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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 9207/2024**

MR HARSHIT ARORA AND ORSPetitioners

Through: Mr. Vikas Sharma, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Avinash Kumar, PS
Anand Vihar
Mr. Saurabh Balwani and Mr. Chirag
Pathor, Advocates for R-
2/complainant

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.01.2025

CRL. M.A. 35275/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 9207/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 395/2024 under Sections 420/406/120B/34 IPC registered at Police Station Anand Vihar, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. Learned APP appearing on behalf of the State accepts



notice. Learned counsel for the respondent no. 2 (complainant) appearing in person also accepts notice. They submit that since the parties have arrived at a settlement they have no objection in case the present FIR is quashed.

5. Learned APP further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.

6. The petitioners and the respondent no. 2 (complainant) are present in Court and they have been identified by the I.O/ SI Avinash Kumar, PS Anand Vihar, Delhi.

7. The case of the prosecution in brief is that a property in which the respondent no. 2 was a co-owner, was sold by the mother of the petitioner nos. 2 and 3, in whose favour they had executed a relinquishment deed. This led to the registration of aforesaid FIR.

8. Learned counsel for the petitioners submits that a suit was also filed by the respondent no. 2 seeking partition of the property in question. However, during the pendency of the suit, the parties have arrived at a settlement, terms whereof were reduced into writing in the form of Settlement Agreement dated 30.10.2024, a copy of which is annexed as Annexure-P8 to the present petition.

9. In terms of the aforesaid settlement, the suit i.e. CS(OS) No. 268/2023 filed by the respondent no. 2 was also decreed *vide* judgment dated 05.11.2024.

10. Respondent no. 2 who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that he has no objection in case the aforesaid FIR is quashed.

11. At this stage, apt would it be to refer to the observations of the



Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303:
(SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs. 25,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs. 25,000/- with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

15. Consequently, the petition is allowed and the FIR No. 395/2024 under Sections 420/406/120B/34 IPC registered at Police Station Anand Vihar, New Delhi alongwith all other proceedings emanating therefrom, is quashed



subject to payment of cost as aforesaid, within a period of two weeks from today.

16. The petition stands disposed of in the above terms.

JANUARY 15, 2025
‘rs’

VIKAS MAHAJAN, J