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

+ **CRL.M.C. 9292/2024**

KAPIL VERMA & ANR.

.....Petitioners

Through: Mr. Dheeraj Kumar and Mr. Amit Kumar, Advs. with petitioners in person.

versus

THE STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Utkarsh, APP for State with PSI Vibhu Sharma PS Subzi Mandi
Mr. Naman Sharma and Mr. Prabhu Kishore Sharma, Adv. for R-2 and R-3 Respondents in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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18.02.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.166/2022 under Sections 308/34 IPC registered at PS Subzi Mandi, Delhi and all consequential proceedings emanating therefrom on the ground that the parties are husband and wife and they are living together.
2. Notice in the petition was issued *vide* order dated 28.11.2024. The learned APP for the State submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioners, as well as, respondent no. 2 are present in the court and they have been identified by their respective counsels, as well as, by the IO



PSI Vibhu Sharma PS Subzi Mandi.

4. The case of the prosecution is that on account of matrimonial dispute scuffle had taken place between the petitioners and respondent nos. 2 and 3 in which respondent no.2 suffered injuries. This led to the registration of FIR at the instance of respondent no.2.

5. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed dated 09.08.2024, which is annexed as Annexure P4 to the present petition.

6. It is recorded in the settlement that the parties have arrived at settlement without coercion and undue influence and now the petitioner no.1 and the respondent no.2 are residing together.

7. The respondent no.2, who is present in Court, on a query posed by the Court, affirms the factum of settlement and further affirms that she is now residing with the petitioner no.1. She further states that she has no objection in case the FIR is quashed.

8. 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.”

9. 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.

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

11. Consequently, the petition is allowed and the FIR No.166/2022 under Sections 308/34 IPC registered at PS Subzi Mandi, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

FEBRUARY 18, 2025
N.S. ASWAL