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

+ **CRL.M.C. 9332/2024**

ROHIT & ANR.

.....Petitioners

Through: Mr. Mohit Saroha, Mr. S.P. Singh and
Ms. Prachi Chauhan, Advocates

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Gaurav Kumar
Respondent nos. 2 and 3 in person
(through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.01.2025

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CRL. M.A. 35799/2024 (exemption)

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

CRL.M.C. 9332/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 50/2012 under Sections 363/368 IPC registered at Police Station Rajinder Nagar, 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. Likewise, the respondent no. 2 and 3 also accepts notice.
5. The petitioners, as well as, the respondent no. 2 (complainant), are



present in Court whereas the respondent no. 3, daughter of respondent no. 2 has joined through video conferencing. All the parties have been identified by the Investigating Officer/SI Gaurav Kumar, Police Station Rajinder Nagar.

6. The facts of the case, in brief, are that the present FIR came to be registered at the instance of the respondent no. 2 alleging that her daughter was missing from home and suspecting some unknown persons. Later the respondent no.3 was found in the company of petitioner no.1 and his father petitioner no.2.

7. During the pendency of proceedings, the parties entered into a settlement, terms whereof were reduced into writing in the form of Compromise Deed dated 25.11.2024, a copy of which is annexed as Annexure-P4 to the present petition.

8. It appears from the charge sheet that the petitioner no.1 and respondent no.3 were friends and the respondent no.3 went with petitioner no.1 voluntarily. As per the case of prosecution itself there is no allegation of sexual assault.

9. Respondent no. 2 and 3, have affirmed the factum of settlement. On a query posed by the Court, the respondent no. 3 has stated that she is major, which fact is also confirmed by the learned APP, on instructions from the IO. She further states that she does not wish to prosecute the matter. The respondent no.2/complainant also states that the FIR was got registered by him in undue haste without verifying the facts and he does not wish to prosecute the complaint. They further state that they have no objection in case the aforesaid FIR is quashed.

10. 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.”

11. 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.

12. Consequently, the petition is allowed and the FIR No. 50/2012 under Sections 363/368 IPC registered at Police Station Rajinder Nagar, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 15, 2025

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