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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9342/2024**
HARISH AND ANRPetitioners
Through: Mr. Vishal Khari, Adv.
versus
STATE GOVT. OF NCT OF DELHI AND ANR.Respondents
Through: Ms. Kiran Bairwa, APP for State with
SI Narendra Kumar, PS. Mehrauli.
Mr. Loveneet Bhati, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
06.02.2025

CRL.M.A. 35826/2024 (exemption)

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

CRL.M.C. 9342/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.133/2010 under Sections 365/325/34 IPC registered at Police Station Mehrauli and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a scuffle and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioner nos.1 and 2, as well as, the respondent no. 2, who are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Narendra Kumar, PS. Mehrauli.



6. The case of the prosecution is that the petitioners, as well as, the respondent no.2 were students at the relevant time and dispute had arisen on account of elections in the college between the parties which escalated to the level of a fight in which the respondent no.2 suffered injuries which led to the registration of present FIR.

7. The learned counsel for the petitioners submits that the FIR is of the year 2010 and the charge sheet was filed only in the year 2017 and the matter is still at the stage of arguments on charge.

8. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 22.07.2024, which is annexed as Annexure P-5 to the present petition.

9. It is a term of the settlement that the petitioners will compensate the respondent no.2 by making a payment of Rs. 1 lac on account of medication he had to undergo. The entire amount of Rs. 1 lac has been paid to the respondent no.2 by the petitioner nos.1 and 2.

10. The receipt of entire amount of Rs.1 lac is acknowledged by the respondent no.2, who is present in court.

11. The respondent no.2, on a query posed by the Court, affirms the factum of settlement and states that he has no objection in case the FIR is quashed.

12. Further to be noted that the FIR is of the year 2010 and the charge sheet was filed only in the year 2017 and thereafter also, the petitioners have faced the agony of criminal proceedings. The incident in the present case had happened when the petitioners, as well as, the respondent no.2 were students and now they are settled in their respective lives and have families of their own.



13. 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.”

14. 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.

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

16. Consequently, the petition is allowed and the FIR No.133/2010 under Sections 365/325/34 IPC registered at Police Station Mehrauli alongwith all other proceedings emanating therefrom, is quashed.

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

18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 6, 2025/dss