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

+ **CRL.M.C. 9396/2024**

RAHUL KUMAR

.....Petitioner

Through: Mr. Mukesh Saroja, Ms. Bhavika and
Mr. Ravi Kant Pandey, Advs. with
petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Pradeep Gahlot, APP for State
with SI Vikrant Singh PS Janakpuri
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.01.2025

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CRL.M.A. 36019/2024 (exemption)

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

CRL.M.C. 9396/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.101/2021 under Section 308 IPC registered at Police Station Janak Puri, New Delhi 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 parties have arrived at a settlement, the State has no objection



in case the FIR in question is quashed.

5. The petitioner, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer with SI Vikrant Singh PS Janakpuri.

6. The brief facts of the case are that a fight took place between the petitioner and respondent no.2 in which the petitioner got injured, which led to the registration of aforesaid FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of MoU dated 25.09.2024, which is annexed as Annexure P-4 to the present petition.

8. In terms of the said settlement parties have agreed to resolve all their disputes and differences as per the terms recorded therein.

9. It is a term of the settlement that the respondent no.2/complainant shall cooperate with the petitioner in quashing of the aforesaid FIR.

10. 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.

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. Consequently, the petition is allowed and the FIR No.101/2021 under Section 308 IPC registered at Police Station Janak Puri, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 17, 2025

N.S. ASWAL