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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9412/2024**
RAKESH MALIK & ORS.Petitioners
Through: Mr. Maharaj Singh Dedha and Mr.
Anuj Kumar Dhaka, Advocates
versus

THE STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Pradeep Gahlot, APP for the State
with SI Vijay Dahiya, PS Prashant
Vihar
Respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
14.01.2025

CRL. M.A. 36090-91/2024

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

CRL.M.C. 9412/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 140/2024 under Sections 323/354/34 IPC registered at Police Station Prashant Vihar, 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. Respondent no. 2 (complainant) appearing in person also accepts notice.



5. The petitioners and the respondent no. 2 (complainant) are present in Court and they have been identified by the I.O/ SI Vijay Dahiya, Police Station Prashant Vihar, Delhi.

6. The brief facts of the case are that on 23.03.2024 a dispute arose between the petitioners and the respondent no. 2 and FIR was registered wherein complainant/respondent no. 2 stated that there is a matrimonial dispute between her sister and sister's husband i.e. petitioner no. 1. She went to the house of petitioner no. 1 to resolve it but he and his family manhandled her and molested her.

7. During the pendency of the proceedings, the parties have arrived at a settlement, the terms whereof have been reduced into writing in the form of a Compromise Deed dated 11.11.2024, a copy of which is annexed as Annexure-C to the present petition.

8. It is recorded in the Compromise Deed that with the intervention of the respectable persons of the society, the parties have mutually compromised the matter. It is also the term of the settlement that respondent no. 2 shall cooperate with the petitioners for quashing of the present FIR.

9. Respondent no. 2 who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that she has 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. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No. 140/2024 under Sections 323/354/34 IPC registered at Police Station Prashant Vihar, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 14, 2025

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