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

+ CRL.M.C. 9478/2024

REKHA & ORS.

.....Petitioners

Through: Mr. Manoj, Mr. Mohit Raghav and
Mr. Balram Sharma, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with SI Anil Kumar, PS.
Najafgarh and Insp. Ajay Kumar
(SHO), PS. Supreme Court Metro.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.01.2025

CRL.M.A. 36387/2024 (exemption)

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

CRL.M.C. 9478/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.312/2011 under Sections 467/468/471/420/34 IPC registered at Police Station Najafgarh 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 property dispute 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 to 3, as well as, respondent no. 2 who are present



in Court, have been identified by their respective counsel, as well as, by the Investigating Officer SI Anil Kumar, PS. Najafgarh and Insp. Ajay Kumar (SHO), PS. Supreme Court Metro.

6. The brief facts of the case are that the petitioners/accused had entered into an Agreement to Sell with the complainant, however, later the property in question was sold to third party which led to the filing of the complaint by the respondent no.2 which culminated into registration of present FIR.

7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of MoU/Settlement Agreement/Compromise Deed dated 14.11.2024, which is annexed as Annexure 3 to the present petition.

8. It is recorded in the Settlement that the petitioner shall pay a total sum of Rs. 2 lacs to the respondent no.2/complainant towards full and final settlement of all his claims. Out of the said amount, a sum of Rs.1 lac has already been paid by the petitioners to the respondent no.2 before the learned Trial Court in the manner as mentioned in the settlement. The remaining amount of Rs.1 lac will be paid to the respondent no.2 by the petitioners within a period of one week from today.

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

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 subject to the payment of balance amount of Rs. 1 lac being given to him as undertaken by the petitioners.

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.312/2011 under Sections 467/468/471/420/34 IPC registered at Police Station Najafgarh alongwith all other proceedings emanating therefrom, is quashed subject to payment of remaining amount of Rs. 1 lac to the respondent no.2 as aforesaid.

15. The I.O concerned is directed to ensure that the balance payment is made by the petitioners to the respondent no.2 as undertaken.

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

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

VIKAS MAHAJAN, J

JANUARY 10, 2025/dss