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

+ **CRL.M.C. 9556/2024**

MUSHAHID@MUSSA

.....Petitioner

Through: Mr. Kumar Sanu Chaudhary, Adv.
with petitioner in person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Akshay Dagar ASI
Praveen Kumar PS Shaheen Bagh
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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13.01.2025

CRL.M.A. 36699/2024 (exemption)

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

CRL.M.C. 9556/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.174/2023 under Sections 323/341/354/509/506 IPC registered at Police Station Shaheen Bagh 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, as well as, respondent no.2 who is present in person, accepts notice. The learned APP for the State



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 learned counsel for the petitioner and by the Investigating Officer SI Akshay Dagar, ASI Praveen Kumar PS Shaheen Bagh.

6. The brief facts of the case are that on a complaint made by the respondent no.2 alleging misbehaviour by the petitioner, the present FIR came to be registered.

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 dated 26.11.2024, which is annexed as Annexure E to the present petition.

8. It is a term of the settlement that the parties have amicably resolved all their disputes without any pressure, threat or coercion.

9. It is also recorded in the settlement that the respondent no.2 shall cooperate with the petitioner for quashing of the aforesaid FIR.

10. The respondent no.2, on a query posed by the Court, states that she 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.174/2023 under Sections 323/341/354/509/506 IPC registered at Police Station Shaheen Bagh along with all other consequential 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 13, 2025

N.S. ASWAL