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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9639/2024**
RAHUL JOHRI & ANR.Petitioners

Through: Mr. Kailash Nath, Mr. Basant Kumar Gautam, Mr. Ujjwal Kumar Goswami, Mr. Vipin Kumar, Mr. Pawandeep Gautam and Mr. Aniket Kumar, Advs. for petitioners with petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Digam Singh Dagar, APP for State with SI Pawan PS North Rohini Mr. Rahul Kumar Verma, Ms. Seema Thapliyal, Mr. Rajeev Kokcha, Ms. Srishti and Mr. Ajay Chaudhary, Advs. for respondent no. 2 with respondent no.2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
08.01.2025

CRL.M.A. 37009/2024 (exemption)

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

CRL.M.C. 9639/2024 & CRL.M.A. 37010/2024 (stay)

3. The present petition has been filed under Section 528 BNSS, 2023



seeking quashing of FIR No.209/2016 under Sections 186/353/333/34 IPC registered at Police Station North Rohini, 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, as well as, learned counsel for the respondent no.2 accept notice. They submit that since the parties have arrived at a settlement, they have no objection in case the FIR in question is quashed.

5. The petitioner nos. 1 and 2, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Pawan PS North Rohini.

6. The brief facts of the case are that the present case was registered at the instance of respondent no.2 alleging that petitioners had abused and given beatings to him. However, during the pendency of proceedings the matter has been compromised, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 11.07.2024, which is annexed as Annexure C to the present petition.

7. It is recorded in the settlement that with the intervention of their well-wishers, the parties have amicably resolved their disputes.

8. It is also a term of the settlement that the respondent no. 2 shall cooperate with the petitioners for quashing of the aforesaid FIR.

9. The respondent no.2, on a query posed by the Court, states that he has no objection in case the 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.209/2016 under Sections 186/353/333/34 IPC registered at Police Station North Rohini, Delhi alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 8, 2025

N.S. ASWAL