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

+ **CRL.M.C. 9804/2024**

KAVITA @ KAVITA SHARMA & ANR.Petitioners

Through: Mr. A.K. Kashyap, Mr. Abhishek
Sharma, Mr. Neel Kumar Sharma and
Mr. Tushar, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Harsh Vardhan, PS
Farsh Bazar along with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.01.2025

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CRL. M.A. 37574/2024 (exemption)

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

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3. The present petition has been filed under Section 482 Cr. P.C. 1973 read with Section 528 BNSS of 2023 seeking quashing of FIR No. 77/2011 under Sections 380/411/34 IPC registered at Police Station Farsh Bazar, 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. He submits that since the parties have arrived at an amicable



settlement, therefore, the State has no objection in case the aforesaid FIR is quashed.

5. Learned APP further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.

6. The petitioners as well as respondent no. 2 (complainant) are present in Court and they have been identified by the I.O/ SI Harsh Vardhan, PS Farsh Bazar, Delhi.

7. The case of the prosecution is that the petitioners had committed theft at the residence of respondent no.2. This led to the registration of the aforesaid FIR at the instance of respondent no. 2.

8. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where the parties have resolved all their disputes and they also entered into a settlement, the terms whereof have been reduced in writing in the form of Settlement Deed dated 20.04.2023, which is annexed as Annexure P-5 to the present petition.

9. On a query posed by the Court, Respondent no. 2 who is present in Court states that the present petitioners were friends of his wife and that the settlement has been arrived at between them. It is also the term of the settlement that the petitioner will pay a sum of Rs. 3 lakhs to the respondent no. 2 in respect of all his claims. Out of the said settlement amount, a sum of Rs. 2 lakhs has already been paid by the petitioners to the respondent no. 2. The balance amount of Rs. 1 lakh has been paid today.

10. Respondent no. 2 who is present in Court, acknowledges having received the full and final settlement amount of Rs. 3 lakhs. On further being queried he affirms the factum of settlement and states that he has no



objection in case the aforesaid 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. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs. 10,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs. 10,000/- with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

15. Consequently, the petition is allowed and the FIR No. 77/2011 under



Sections 380/411/34 IPC registered at Police Station Farsh Bazar, Delhi alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of four weeks from today.

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

VIKAS MAHAJAN, J

JANUARY 22, 2025

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