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

+ CRL.M.C. 10013/2024

SHIV CHARAN (DECEASED) THROUGH HIS NEPHEW
SANJEEV KUMAR & ORS.

.....Petitioners

Through: Mr. Sanjeev, Advocate along with
petitioners in person.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI)
& ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Vinod Nain, PS Kotwali
Ms. Sonia, Advocate for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.01.2025

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 62/2017 under Sections 324/341/506/34 IPC registered at Police Station Kotwali, Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. Learned APP appearing on behalf of the State accepts notice. Learned counsel appearing for the respondent no. 2 also accepts notice. Learned APP appearing for the State submits that State has no objection in case the aforesaid FIR is quashed.
3. The petitioners and the respondent no. 2 (complainant) are present in



Court and they have been identified by the I.O/ SI Vinod Nain, Police Station Kotwali, Delhi.

4. The brief facts of the case are that the parties are neighbours and a dispute arose between them which led to the registration of the aforesaid FIR.

5. During the pendency of the proceedings, the parties have arrived at a settlement, the terms whereof have been reduced into writing the in form of a Compromise Deed dated 12.08.2024, a copy of which is annexed as Annexure-P3 to the present petition.

6. 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.

7. 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.

8. 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.”



9. 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.
10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
11. Consequently, the petition is allowed and the FIR No. 62/2017 under Sections 324/341/506/34 IPC registered at Police Station Kotwali, Delhi alongwith all other proceedings emanating therefrom, is quashed.
12. The petition stands disposed of in the above terms.

JANUARY 16, 2025
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VIKAS MAHAJAN, J