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

+ **CRL.M.C. 10220/2024**

ANAND GUPTA & ANR.

.....Petitioners

Through: Mr. R.K. Gossain, Mr. Pankush
Goyal, Mr. Ketan Kumar Roy, Mr.
Shashank Dey and Mr. Deepak
Aggarwal, Advs.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with SI Sikander, PS. Hazrat
Nizamuddin.
Mr. Manan Lohani, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.01.2025

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CRL.M.A. 39163/2024 (exemption)

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

CRL.M.C. 10220/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of FIR No.126/2008 under Sections 406/420/467/468/471/120B/34 IPC registered at Police Station Hazrat Nizamuddin 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. He, however, 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 petitioner nos.1 and 2, as well as, the respondent no. 2 have joined through VC and they have been identified by their respective counsel and by the Investigating Officer SI Sikander, PS. Hazrat Nizamuddin.
7. The brief facts of the case are that the petitioner no.1 is stated to be real brother of the respondent no.2/complainant. On account of property dispute arising between them, the respondent no.2 had made a complaint which culminated into registration of the aforesaid FIR.
8. During the pendency of the proceedings, the parties were referred to Delhi High Court Mediation and Conciliation Centre, Delhi High Court, Sher Shah Road, New Delhi, where the parties arrived at a settlement, terms whereof were reduced in writing in the form of Conciliated Settlement dated 06.07.2024, which is annexed as Annexure 4 to the present petition.
9. It is a term of the settlement that the parties with the intervention of family and friends have resolved all their disputes amicably without any coercion or pressure.
10. It is also a term of the settlement that the respondent no.2 will cooperate with the petitioners for the quashing of the present FIR.
11. The respondent no.2, who has joined through VC, 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. The petition is also supported by the affidavit of the respondent no.2.
12. 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.”

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. 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, therefore, it is deemed appropriate to impose cost of Rs.25,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.25,000/- 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.

16. Consequently, the petition is allowed and the FIR No.126/2008 under Sections 406/420/467/468/471/120B/34 IPC registered at Police Station Hazrat Nizamuddin alongwith all other proceedings emanating therefrom, is quashed *qua* the present petitioners subject to the deposit of cost as aforesaid.



17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 10, 2025/dss