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

+ CRL.M.C. 2034/2013 & Crl. M.A. No. 8008/2013

NITIN SINGH & ORS.

..... Petitioner

Through: Mr. Anil Sharma & Mr. Bhupesh
Narula, Advocates

versus

STATE & ANR.

..... Respondent

Through: Mr. Sunil Sharma, Additional
Public Prosecutor for respondent –
State with SI Nitin Singh & WSI
Josepha Kujur
Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

22.05.2013

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Quashing of FIR No. 39/2011, under Sections 498A/406/34 of the IPC, registered at Police Station Sarita Vihar, Delhi is sought by petitioners in this petition.

Learned counsel for petitioners informs that the matrimonial dispute, which is the subject matter of FIR in question, has been settled in terms of Settlement of 9th April, 2012 (*Annexure P-2*) through Delhi High Court Mediation and Conciliation Centre and in terms thereof, decree of divorce has been already granted by the matrimonial court on 4th February, 2013 (*Annexure P-3*).

Notice. Learned Additional Public Prosecutor accepts notice for

Crl. M.C. No.2034/2013

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the physical file and no page is missing.

respondent-State.

Notice.

Mr. Sunil Sharma, Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2 is present in the Court and she has been identified as the complainant first-informant of FIR in question by SI Nitin, Investigating Officer of this case.

Counsel for petitioners submits that in terms of aforesaid settlement, balance and final sum of Rs.4,00,000/- by way of demand draft, bearing No. '277830', dated 16th March, 2013, drawn on Vijaya Bank, Service Branch, Delhi in the name of respondent No.2-Perna Kapoor has been handed over to her, who has accepted the same.

Respondent No.2 present in the Court submits now the aforesaid settlement has been fully acted upon, so she has no grievance against petitioners and therefore, proceedings arising from FIR in question, be quashed.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

"Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

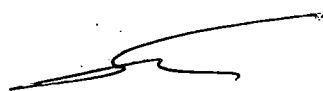
Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion,

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."

Since this matrimonial dispute, which is the subject matter of FIR in question, stands voluntarily, mutually and amicably settled between the parties, no useful purpose would be served by continuing the proceedings arising out of FIR in question.

Consequently, Quashing of FIR No. 39/2011, under Sections 498A/406/34 of the IPC, registered at Police Station Sarita Vihar, Delhi and proceedings emanating therefrom are quashed qua petitioners.

With aforesaid observations, this petition is disposed of.


(SUNIL GAUR)
JUDGE

MAY 22, 2013

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