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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1885/2013**

ARVIND KUMAR & ORS. Petitioners
Through: Petitioners in person

versus

STATE NCT OF DELHI & ORS. Respondents
Through: Mr. Rajneesh, Nayab Court, for
Respondent-State with SI GIR
Rajesh, I.O. and Ms. Suman Lata,
respondent No.2

+ **CRL.M.C. 1788/2013**

SUMANLATA & ORS. Petitioners
Through: Petitioners in person

versus

STATE & ORS. Respondents
Through: Mr. Rajneesh, Nayab Court, for
Respondent-State with I.O. Naresh
Kumar
Respondent No.2 Smt. Pushpa Rani in
person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
27.05.2013

In the above-captioned first petition, FIR No.12/2004 under Sections 498-A/406/34 of *IPC* and Section 4 of *Dowry Prohibition Act*, registered at P.S. Badarpur, Delhi, was lodged by Suman Lata against her

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in-laws. During the pendency of the aforesaid FIR, another FIR No.778/2004 under Section 452 of *IPC* was got registered at P.S. Dabri, Delhi, by mother-in-law of aforesaid Suman Lata. In the above captioned two petitions, quashing of these two FIRs is sought on the basis of an amicable resolution of the dispute between the parties.

Notice.

Ms. Suman Lata is present in the Court and she has been identified to the first-informant of FIR No. 12/2004 by SI Gir Rajesh on the basis of identity proof furnished by her. She submits that the terms of the settlement are recorded in the proceedings of 24th September, 2011 before the family court which have been duly complied with and a sum of ₹40,000/- deposited by her in-laws in her favour with the Registrar General, Delhi High Court, New Delhi, is to be released to her subject to quashing of these FIRs. She submits that decree of divorce by mutual consent has already been obtained by her. She further submits that these proceedings be brought to an end as its continuance would serve no useful purpose.

Likewise, Smt Pushpa Rani, present in the Court, has been identified to be the first-informant of FIR No.778/2004 by Naresh Kumar, Investigating Officer of this case, on the basis of her identity proof furnished by her. She states that now entire dispute between the parties stands settled and there is no grievance against accused of the aforesaid FIR and so the amount of ₹40,000/- deposited with the Registrar General of this Court be released to Ms. Suman Lata and proceedings arising out of aforesaid two FIRs be quashed against accused persons therein.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex

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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."

Considering that the subject matter of the above captioned two petitions is essentially a matrimonial dispute, which stands mutually and amicably settled between the parties, I find that continuance of these proceedings arising out of FIRs in question would be an exercise in futility.

Accordingly, both the petitions are allowed and FIR No.12/2004 under Sections 498-A/406/34 of IPC and Section 4 of Dowry Prohibition Act, registered at P.S. Badarpur, Delhi, and FIR No.778/2004 under Section 452 of IPC registered at P.S. Dabri, Delhi, and proceedings arising therefrom, stand quashed *qua* accused of these two FIRs.

Let the FDR of ₹40,000/- deposited with the Registrar General of this Court in Bail Application No.101/2004 pertaining to FIR No.12/2004

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under Sections 498A/406/34 of IPC, registered at P.S. Badarpur, Delhi,
be released to Ms. Suman Lata D/o Kanwar Pal.

Both these petitions are accordingly disposed of.

Dasti.


(SUNIL GAUR)
Judge

MAY 27, 2013

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