

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 56/2015**

DEVENDER GUPTA & ORS Petitioners

Through: Mr. Naveen Prakash and Ms. S.
Ghosh, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with Inspector Rishi Pal
Singh and SI Sunny Kumar
Ms. Jasmine Kaur, Mr. Surinder
Singh and Ms. Prachi Gupta,
Advocates with respondent No.2 in
person

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

JUDGMENT
% (ORAL)

Crl.M.A.280/2015 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 56/2015

Quashing of FIR No.185/2010, under Sections 498-A/406 of *IPC* registered at police station Rani Bagh, Delhi is sought on the basis of *Settlement* whose terms find mention in the joint statement of petitioner-

husband and respondent-wife of 20th November, 2013 (*Annexure P-2*) made before M.M., Mahila Court.

Notice.

Mr. Naveen Sharma, learned Additional Public Prosecutor for respondent-State accepts notice and Ms.Jasmine Kaur, Advocate, accepts notice on behalf of respondent No.2.

Learned Additional Public Prosecutor for respondent–State submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so by her counsel as well as by Inspector Rishi Pal on the basis of identity proof produced by her.

Learned Additional Public Prosecutor for State submits on instructions that the trial of this FIR case has not yet begun.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Settlement* and terms thereof have been fully acted upon as she has already received ₹5.11 lac out of the settled amount of ₹7 lac and today, she has received the balance settled amount of ₹2.11 lac in cash and that divorce by mutual consent has been already granted by the family court on 22nd August, 2014. Respondent No.2 affirms the contents of aforesaid *Settlement* and of her affidavit of 2nd January, 2015 supporting this petition and submits that now no dispute with petitioners survives and so, the proceedings arising out of the FIR in question be brought to an end.

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 the subject matter of this FIR is essentially matrimonial, which now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed and FIR No.185/2010, under Sections 498-A/406 of *IPC* registered at police station Rani Bagh, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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