

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

Date of Decision: January 14, 2015

+ CRL.M.C. 129/2015

GAURAV GARG & ORS. Petitioners

Through: Mr. Puneet Khurana, Advocate
with petitioners in person

versus

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

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with SI Renuka
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Quashing of FIR No. 200/2011, under Sections 498-A/406/34 of IPC, registered at police station Janakpuri, Delhi is sought on the basis of mediated settlement of 16th July, 2014, reached between the parties before the Family Court, Saket, Delhi.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for respondent-State accepts notice and 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 SI Renuka, Investigating Officer of this case.

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 a sum of ₹5,00,000/- has been already received by her from petitioners at the time of recording of statement of parties in proceedings under Section 13-B (i) of the *Hindu Marriage Act, 1955* and today, she has received another sum of ₹5,00,000/- by way of demand pay order No. '071250', dated 13th January, 2015, drawn on Yes Bank, Worli, Mumbai.

Counsel for petitioners on instructions undertakes that in terms of settlement, the balance and final payment of ₹5,00,000/- shall be made to respondent No.2 at the time of recording of statement under Section 13-B (ii) of the *Hindu Marriage Act, 1955*.

Respondent No.2 affirms contents of her affidavit of 23rd December, 2014 and submits that while taking on record the aforesaid undertaking on behalf of petitioners, proceedings arising out of 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. 200/2011, under Sections 498-A/406/34 of IPC, registered at police station Janakpuri, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners. Needless to say, if petitioners fail to abide by the aforesaid Settlement, then proceedings in this FIR shall stand revived.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2015

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