

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

Date of Decision: January 12, 2015

+ CRL.M.C. 77/2015 & CrI. M.A.No.365/2015

SHRI KAMAL LALWANI & ANR. Petitioners

Through: Mr. Kapil Jain, Advocate

versus

STATE OF NCT DELHI & ANR. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent
No.1-State with ASI Dharamvir
Singh
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 156/2010, under Sections 498-A/406/34 of the IPC, registered at police station Nanak Pura, Delhi is sought on the basis of mediated settlement of 19th April, 2014 reached through Delhi Mediation Centre, Tis Hazari Courts, 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 ASI Dharamvir, Investigating Officer of this case.

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 today, she has received the balance settled amount of ₹50,000/- by way of demand pay order No. '404023', dated 6th January, 2015, drawn on Punjab and Sindh Bank, Branch CD Block, Pitampura, Delhi and that divorce by mutual consent has been already granted by the matrimonial court on 5th December, 2014. Respondent No.2 affirms contents of aforesaid settlement and of her affidavit of 18th December, 2014 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. 156/2010, under Sections 498-A/406/34 of the IPC, registered at police station Nanak Pura, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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