

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 47/2015**

SURENDER SINGH RAWAT & ORS Petitioners
Through: Mr. Harish Kumar, Advocate

versus

STATE (NCT OF DELHI) & ANR Respondents
Through: Mr. Karan Singh, Additional
Public Prosecutor for State with SI
Shailender
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
% **(ORAL)**

Crl.M.A.267/2015 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 47/2015

Quashing of FIR No.321/2004 under Sections 498-A/406/323/34 of *IPC* registered at police station Khajuri Khas, Delhi is sought on the basis of *Compromise Deed* of 27th November, 2014 arrived at between the parties and the fact that petitioner-husband and respondent No.2-wife are living together happily for the last about three years. Petitioner No.1 and respondent No.2 are husband and wife.

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 Shailender 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 *Compromise Deed* and terms thereof have been fully acted upon and that she is living together happily with petitioner-husband for the last about three years. Respondent No.2 affirms the contents of aforesaid *Compromise Deed* and of her affidavit of 9th January, 2015 supporting this petition and submits that now no dispute with petitioners survives and to restore cordiality between the parties, 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.321/2004 under Sections 498-A/406/323/34 of *IPC* registered at police station Khajuri Khas, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners. However, it is made clear that if the marriage of respondent No.2 with petitioner-husband again runs into rough weather, then this order will not stand in her way to have recourse to law.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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