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Date of Decision: January 19, 2015

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FAYAZ AHMED KHAN & ORS Petitioners
Through: Mr. Tabrez Alam, Advocate

versus

STATE & ANRRespondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with SI Vineet Singh
Mr. M. Shuaeb Saifuddin,
Advocate with respondent No.2 in
person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No.238/2004, under Sections 498-A/406/34 of *IPC* registered at police station Geeta Colony, Delhi is sought on the basis of *Mediated Settlement* of 3rd December, 2013 arrived at Family Court.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. M. Shuae Saifuddin, 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 SI Vineet Singh on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Mediated Settlement* and terms thereof have been fully acted upon as today, she has received the balance settled amount of ₹2.5 lac by way of Banker's Cheque bearing No.891488 of 6th January, 2015 and that divorce by has been already obtained by the parties. Respondent No.2 affirms the contents of aforesaid *Mediated Settlement* and of her affidavit of 15th 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.238/2004, under Sections 498-A/406/34 of *IPC* registered at police station Geeta Colony, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 19, 2015

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