

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

Date of Decision: January 13, 2015

+ **CRL.M.C. 101/2015 & CrI.M.A.457/2015**

KUDEEP NANDRAJOG & ORS Petitioners

Through: Mr. Manish Sharma and Mr.
Abhishek Varma, Advocates

versus

STATE & ANR Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Mukesh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No.590/2014, under Sections 404/406/420/426/447/385/506/120-B of *IPC* registered at police station Anand Vihar, Delhi is sought on the basis of *Memorandum of Understanding* of 9th December, 2014 (*Annexure-F*) and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Notice.

Ms. Nishi Jain, 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 he has been identified to be so by SI Mukesh on the basis of identity proof

produced by him.

Learned counsel for petitioners, on instructions, undertakes that the FIR No.1034/2014 under Sections 420/467/468/471 of IPC registered at P.S. Noida Sector-58, which is pending at Noida, would be got closed or quashed.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Memorandum of Understanding* and the terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Respondent No.2 affirms the contents of aforesaid *Memorandum of Understanding* and of his affidavit of 13th 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:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

In the facts and circumstances of this case and in view of aforesaid

Memorandum of Understanding and affidavit of respondent No.2, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to consolidated cost of ₹50,000/- to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.590/2014, under Sections 404/406/420/426/447/385/506/120-B of *IPC* registered at police station Anand Vihar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners. **Needless to say, petitioners shall abide by the undertaking given on behalf of petitioners today in the Court.**

This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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