

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

Date of Decision: January 21, 2015

+ CRL.M.C. 250/2015 & Crl. M.A.No.958/2015

FARID KHAN & ORS.

..... Petitioners

Through: Mr. Javed Ansari & Mr. Mehmood
Hussain, Advocates

versus

THE STATE (GOVT OF NCT) & ANR. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Niranjana Singh
Mr. Tarique Hashmi, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 22/2009, under Sections 498-A/406/34 of the IPC, registered at police station Hauz Khazi, New Delhi is sought on the basis of mediated settlement recorded in the order of 23rd April, 2014 before the matrimonial court (*Annexure-P/5*).

Notice.

Mr. Navin Sharma, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Tarique Hashmi, 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 Niranjan Singh, 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 that divorce as per Muslim Law has been already obtained by the parties. Respondent No.2 affirms the contents of aforesaid settlement and of her affidavit of 6th 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:-

“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. 22/2009, under Sections 498-A/406/34 of the IPC, registered at police station Hauz Khazi, New Delhi and the proceedings emanating therefrom are quashed qua petitioners. Needless to say that parties are bound by the terms of settlement. It is made clear that in case petitioner No.1-husband defaults in payment of ₹25,000/- per month, then respondent No.2-wife shall be at liberty to get this petition revived.

This petition and application are disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

JANUARY 21, 2015

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