

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

Date of Decision: January 12, 2015

+ CRL.M.C. 80/2015

SANDEEP NANDAL & ORS. Petitioners

Through: Mr. Rakesh Beniwal, Advocate

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent No.1-
State with SI K.P. Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 307/2013, under Sections 498-A/406/34 of IPC registered at police station S.P. Badli, Delhi is sought on the basis of mediated settlement of 16th September, 2013 (*Annexure-28*) reached between the parties through Delhi Mediation Centre, Rohini Courts, Delhi and the fact that petitioner-husband and respondent No.2-wife are living together happily since 18th September, 2013.

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 she

has been identified to be so by SI K.P. Singh, 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 and that she is happily living with petitioner-husband since 18th September, 2013. Respondent No.2 affirms the contents of aforesaid settlement and of her affidavit of 16th July, 2014 supporting this petition and submits that now no dispute with petitioners survives and to restore cordiality between the parties, 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. 307/2013, under Sections 498-A/406/34 of IPC registered at police station S.P. Badli, 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.

With aforesaid observations, this petition is disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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