

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

Date of Decision: January 14, 2015

+ CRL.M.C. 118/2015 & Crl. M.A.No.535/2015

LAXMESHWAR JHA Petitioner

Through: Ms. Bhanu Kathpalia, Advocate

versus

STATE (NCT OF DELHI) & ANR. Respondents

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

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

Quashing of FIR No.207/2013, under Sections 498-A/406/34 of the IPC, registered at police station Nihal Vihar, Delhi is sought in this petition on the basis of settlement reached between the parties in terms mentioned in the judgment of 13th October, 2014.

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 her counsel as well as by ASI Rampal 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 and terms of settlement have been fully acted upon as she has already received a sum of ₹4,00,000/- at the time of recording of statement in proceeding under Section 13 (b) (i) of *The Hindu Marriage Act* and another sum of ₹4,00,000/- at the time of recording of statement under Section 13 (b) (ii) of *The Hindu Marriage Act* and today, she has received the balance settled amount of ₹4,00,000/- by way of demand pay order_bearing No.'418510', dated 9th January, 2015, drawn on Indian Overseas Bank, Nangloi and that divorce by mutual consent has been already granted by the Family Court on 13th October, 2014. Respondent No.2 affirms contents of her affidavit of 9th January, 2015 supporting this petition and submits that now no dispute with petitioner survives and so, 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.207/2013, under Sections 498-A/406/34 of the IPC, registered at police station Nihal Vihar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2015

r