

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

Date of Decision: January 16, 2015

+ CRL.M.C. 132/2015 & Crl. M.A.No.624/2015

VIJAY AGGARWAL

..... Petitioner

Through: Mr. Pratap Singh, Advocate with
petitioner in person

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent
No.1-State with SI Anand Prakash
Mr. Rajvir Nawal, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 61/2009, under Sections 498-A/406/34 of the IPC, registered at police station Khyala, Delhi is sought on the basis of mediated settlement of 16th August, 2013, reached through Mediation Centre, Tis Hazari Courts, Delhi.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for respondent No.1-State accepts notice and Mr. Rajvir Nawal , 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 Anand Prakash, 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 as she has already received ₹5,00,000/- from petitioners and today, she has received the balance settled amount of ₹2,00,000/- by way of two banker's cheques bearing No. '425500' and No.'425501', both dated 15th December, 2014 and amounting to ₹ 49,000/-each drawn on State Bank of India, Tis Hazari Branch, Delhi and two banker's cheques bearing No. '160558' and '160560', dated 16th January, 2015, amounting to ₹ 49,000/- each and one demand pay order No. '160559', dated 16th January, 2015 amounting to ₹.4,000/-, each drawn on UCO Bank, Delhi High Court Branch, New Delhi and that divorce by mutual consent has been already granted by the family court on 1st November, 2014. 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 petitioner 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. 61/2009, under Sections 498-A/406/34 of the IPC, registered at police station Khyala, Delhi and the proceedings emanating therefrom are quashed *qua* petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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