

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

Date of Decision: January 28, 2015

+ CRL.M.C. 773/2014

PUSHP LATA KAPOOR & ANR. Petitioners

Through: Mr. Kartickay Mathur, Advocate

versus

STATE & ANR. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Rajneesh

+ CRL.M.C. 463/2014 & Crl. M.A.No.7067/2014

SANJAY MALHOTRA & ORS. Petitioner

Through: Mr. Kartickay Mathur, Advocate

versus

STATE OF NCT DELHI & ORS. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Rajneesh

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the above captioned first petition, quashing of FIR No. 78/2013, under Sections 468/471/34 of the IPC, registered at police station Tilak Marg, New Delhi [in Crl.M.C.773/2014] is sought and in the above

captioned second petition, quashing of FIR No. 47/2012, under Sections 498A/406/34 of the IPC, registered at Crime Against Women Cell, Nanakpura, New Delhi [in CrI.M.C.No.463/2014] is sought.

Counsel for petitioners submits that the two FIRs in question pertain to a matrimonial dispute and therefore, these two petitions can be heard together. With the consent of both the sides, the above captioned two petitions are heard together and are being disposed of by this common judgment.

Counsel for petitioners submits that the subject matter of these two FIRs stand mutually and amicably settled between the parties in terms of settlement recorded in the order of 8th July, 2013 of the learned Family Court at Patiala House, New Delhi.

Learned Additional Public Prosecutor for respondent-State submits that these cross FIRs were got registered by respondent No.2 in each petition, who are husband and wife and they are present in the Court and they have been identified to be the complainants/ first-informants of these FIRs by SI Rajneesh on the basis of identity proof produced by them.

Learned Additional Public Prosecutor for State submits on instructions that the trial of this FIR case has not yet begun. Mr. Sanjay Malhotra, present in the Court submits that he is the first-informant of FIR No.78/2013 and submits that the subject matter of this FIR stands amicably resolved vide settlement recorded in the order of 8th July, 2013.

Respondent No.2-Smt. Vandana Malhotra, submits that she is the first-informant of FIR No.47/2012, which is an off-shoot of the matrimonial dispute, and now the misunderstanding pertaining to alleged

forgery of caterer bill, stands cleared in terms of settlement recorded in the order of 8th July, 2013.

Respondent No.2 of both these petitions affirm the contents of aforesaid settlement and of their affidavits on record supporting this petition and they submit that now no dispute with each other survives and so, the proceedings arising out of the FIRs 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.”

In the peculiar facts and circumstances, this Court finds that continuance of proceedings arising out of these FIRs would be an exercise in futility.

Accordingly, the above captioned two petitions are allowed and FIR No. 78/2013, under Sections 468/471/34 of the IPC, registered at

police station Tilak Marg, New Delhi [in Crl.M.C.773/2014] and FIR No. 47/2012, under Sections 498A/406/34 of the IPC, registered at Crime Against Women Cell, Nanakpura, New Delhi [in Crl.M.C.No.463/2014] and proceedings emanating there-from are quashed.

Before parting with the judgment, I would like to take note of a glaring error in Family Court's order of 8th July, 2013 pointed out by learned Additional Public Prosecutor for respondent-State. During the course of hearing, it was brought to the notice of this Court by learned Additional Public Prosecutor for respondent-State that proceedings in FIR No. 78/2013 were put on hold by the concerned Family Court at Patiala House Courts, New Delhi to facilitate accomplishment of settlement in toto, although said Family Court had no jurisdiction to do so.

There is substance in the stand taken by learned Additional Public Prosecutor for respondent-State. Let the Family Courts be reminded that they have no jurisdiction to put on hold criminal prosecution, even for the purpose of facilitating compromise. Copy of this order be sent to District & Sessions Judge (Central), Tis Hazari Courts, Delhi for its circulation to all the Family Courts.

These petitions are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 28, 2015

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