

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

Date of Decision: January 16, 2015

+ CRL.M.C. 154/2015 & Crl. M.A.No.678/2015

MOHD NAUSHAN & ORS. Petitioners

Through: Mr. C.M. Grover, Advocate with
petitioners in person

versus

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

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent
No.1-State with SI Mahender
Pratap
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 1047/2014, under Sections 498-A/406/34 of the IPC, registered at police station Narela, Delhi is sought on the basis of mediated settlement of 17th October, 2014 (*Annexure-B*), arrived at Delhi Mediation Centre, Rohini District Courts, Delhi.

Notice.

Mr. Karan Singh, 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 Mahender Pratap, 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 terms thereof have been fully acted upon as today, she has received the balance settled amount of ₹60,000/-in cash and that divorce/ *talaq* as per Muslim rites has obtained by mutual consent on 7th January, 2015(*Annexure-C*). Respondent No.2 submits that one box and one bed is lying with the petitioners and they be directed to deposit them with the concerned police station at Bihar and respondent No.2 be granted liberty to take it.

Learned counsel for petitioners undertakes that one box and one bed of respondent No.2 shall be deposited with the concerned police station at Bihar within two weeks and respondent No.2 can take it.

Respondent No.2 affirms the contents of her affidavit of 13th 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.

Subject to petitioners complying with the aforesaid undertaking of depositing one box and one bed of respondent No.2 with the concerned police station at Bihar within two weeks, this petition is allowed and FIR No. 1047/2014, under Sections 498-A/406/34 of the IPC, registered at police station Narela, Delhi and the proceedings emanating therefrom are quashed qua petitioners. Respondent No.2 would be at liberty to seek revival of this petition if the aforesaid undertaking is not complied by the petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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