

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

Date of Decision: January 20, 2015

+ CRL.M.C. 247/2015

GAURAV WADHWA & ORS. Petitioners

Through: Mr. Mohan Singh, Advocate

versus

THE STATE OF NCT OF DELHI & ANR. Respondents

**Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent
No.1-State with ASI Anoop Singh
Mr. S.C. Singhal, Advocate for
respondent No.2**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

%

(ORAL)

Quashing of FIR No. 76/2012, under Sections 498-A/406/34 of the IPC, registered at police station Moti Nagar , Delhi is sought on the basis of settlement between the parties.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for respondent No.1-State accepts notice and Mr. S.C. Singhal, 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 ASI Anoop Singh on the basis of identity proof produced by her.

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 thereof have been fully acted upon as today, she has received the balance settled amount of ₹5,00,000/- by way of demand draft bearing No.'201771', dated 6th January, 2015, drawn on ICICI Bank, Qutub Road, New Delhi and that divorce by mutual consent has been already granted by the family court on 12th November, 2014. Respondent No.2 affirms the contents of the settlement and of her affidavit of 8th 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 the 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. 76/2012, under Sections 498-A/406/34 of the IPC, registered at police station Moti Nagar, Delhi and the proceedings emanating therefrom are quashed qua petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 20, 2015

r