

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

Date of Decision: January 13, 2015

+ CRL.M.C. 1028/2014

JOGESH DASS GUPTA

..... Petitioner

Through: Mr. Pratap Singh, Mr. H.S. Yadav
& Mr. Pawan Chaudhary,
Advocates with petitioner in
person

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent
No.1-State with SI Ajay Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In this petition, quashing of FIR No. 16/2012, under Sections 417/493/495/498A of the IPC, registered at police station Tilak Nagar, Delhi is sought.

Upon Notice, Mr. Rajesh Gupta, counsel for second respondent had appeared and the case was adjourned on two-three occasions for appearance of respondent No.2.

Learned counsel for petitioners submits that respondent No.2 is reluctant to appear for the reason that she has already received the settled amount of ₹5,00,000/- and she has placed on record her affidavit giving

no objection to the quashing of FIR in question. Learned counsel for petitioners submits that the settlement has been acted upon and in terms thereof, respondent No.2 has already withdrawn her petitions under Section 125 of the Cr.P.C. and under the *Protection of Women from Domestic Violence Act, 2005*.

Learned Additional Public Prosecutor for State has placed on record status report which confirms the stand taken on behalf of petitioners.

The subject matter of this petition is essentially matrimonial, which stands resolved in terms of mediated settlement of 29th October, 2013 and affidavit of 21st April, 2014 of respondent No.2 and receipt of the said date shows that the settlement has been fully acted upon. This petition cannot be kept pending for physical appearance of respondent No.2, as this Court is satisfied from the Status Report and the affidavit of respondent No.2 and the receipt placed on record that the settlement has been fully acted upon.

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 considered opinion of this Court, continuance of proceedings arising out of this FIR would be an exercise in futility and so, this petition is allowed and FIR No. 16/2012, under Sections 417/493/495/498A of the IPC, registered at police station Tilak Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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