

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

Date of Decision: January 20, 2015

+ **CRL.M.C. 1914/2014**

VISHNU KUMAR MISHRA @ DEEPAK MISHRA & ORS

..... Petitioners

Through: Mr.J.P. Tiwari, Advocate

versus

STATE & ORS

.....Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with ASI Jagdish
Respondents No.2, 4-6 & 8 in
person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.335/2013, under Sections 308/34 of *IPC* registered at Police Station New Usmanpur, Delhi is sought on the ground that the misunderstanding, which led to registration of the FIR now, stands cleared between the parties.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State accepts notice and submits that apart from respondents No.3 & 7, parties are present in the Court have been identified to be so by their respective counsel as well as by ASI Jagdish on the basis of identity proofs produced by them.

Respondent No.2, present in the Court, submits that he has instructions from respondents No.3 and 7 to give no objection to the quashing of the FIR in question on their behalf. Respondent No.2, 4-6 & 8, present in the Court, as well as respondent No.2 on behalf of respondents No.3 & 7, submit that the misunderstanding, which led to the incident in question, now stands cleared and it is submitted on behalf of respondents-complainant that the petitioners are their neighbours. Respondents-complainant, present in the Court, affirm the factum of *Settlement* and contents of their affidavits filed in support of this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, 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:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

In the facts and circumstances of this case and in view of the fact that the misunderstanding, which led to registration of the FIR, now stands cleared between the parties, I find that continuance of proceedings

arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed and FIR No.335/2013, under Sections 308/34 of *IPC* registered at Police Station New Usmanpur, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 20, 2015

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