

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

Date of Decision: January 16, 2015

+ CRL.M.C. 4143/2014

RAM RATI & OTHERS

..... Petitioners

Through: Mr. V.K. Singh, Advocate

versus

THE STATE & OTHERS

..... Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1-State with SI Rajvir Singh
Respondents No. 2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 176/2010, under Sections 498-A/406/34 of the IPC, registered at CAW Cell, Nanakpura , New Delhi is sought on the ground that respondent No.2- husband and respondent No.3-wife are living together happily.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State accepts notice submits that respondent No.3, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so by SI Rajvir Singh, 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.3, present in the Court, submits that the dispute between the parties has been amicably resolved and she is happily residing with respondent No.2-husband and to restore cordiality amongst the parties, proceedings arising out of FIR in question be brought to an end, provided petitioners shall give an undertaking that they shall not interfere in the matrimonial rights of respondent No.2-husband and respondent No.3-wife.

Learned counsel for petitioners on instructions submits that petitioners shall not interfere in any way in the matrimonial life of respondents No. 2 & 3 and if they do so, then proceedings arising out of FIR in question be revived.

Respondent No.3 affirms contents of her affidavit of 16th January, 2015 supporting this petition and submits that now no dispute with petitioners or respondent No.2 survives and to restore cordiality between the parties, 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.

Accordingly, this petition is allowed and FIR No. 176/2010, under Sections 498-A/406/34 of the IPC, registered at CAW Cell, Nanakpura , New Delhi and the proceedings emanating therefrom are quashed *qua* petitioners and respondent No.2 as well. However, it is made clear that if the marriage of respondent No.3 with respondent No.2-husband again runs into rough weather, then this judgment will not stand in her way to have recourse to law.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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