

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

Date of Decision: January 27, 2015

+ CRL.M.C. 2014/2012

PARDEEP

..... Petitioner

Through: Mr. Vijay Singh, Advocate

versus

JYOTI & ORS.

..... Respondents

Through: Respondent No.1 in person
Ms. Nishi Jain, Additional Public
Prosecutor for respondent No.2-
State with ASI Tej Ram

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No.559/2007, under Sections 498-A/406/34 of registered at police station Najafgarh, Delhi is sought on the basis of Settlement-Agreement of 20th January, 2014 reached between the parties through Delhi High Court Mediation and Conciliation Centre.

Ms. Nishi Jain, learned Additional Public Prosecutor for respondent-State submits that respondent No.1, 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 Tej Ram, 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.1, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Settlement-Agreement of 20th January, 2014 and joint statement of parties under Section 13 (b) (i) of the *Hindu Marriage Act, 1955* has been recorded and in terms of settlement, petitioner-husband has to pay her ₹10,000/- at the time of recording of joint statement under Section 13 (b) (ii) of the *Hindu Marriage Act, 1955* which is likely to be moved in March, 2015 and a sum of ₹20,000/- is to be paid at the time of quashing of FIR in question.

Learned counsel for petitioner on instructions submits that the remaining settled amount of ₹30,000/- in toto shall be paid to respondent No.2/ complainant at the time of recording of joint statement under Section 13 (b) (ii) of the *Hindu Marriage Act, 1955* before the court concerned.

In view of aforesaid undertaking on behalf of petitioner, respondent No.2 submits that now no dispute with petitioner 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.

Accordingly, this petition is allowed and FIR No.559/2007, under Sections 498-A/406/34 of registered at police station Najafgarh, Delhi and the proceedings emanating therefrom are quashed *qua* petitioner subject to his abiding by the undertaking given before this Court. It is made clear that if petitioner-husband does not abide by the aforesaid undertaking, then respondent No.2-wife would be at liberty to get the instant proceedings revived.

This petition is accordingly disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

JANUARY 27, 2015

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