

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

Date of Decision: January 21, 2015

+ **CRL.M.C. 2563/2014**

NITIN KUMAR & ORS Petitioners

Through: Mr. Tarun Chandiok, Advocate

versus

STATE & ANR Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with ACP B.S. Dahiya and SI
Bhagwan Singh
Mr. Rajat Aneja, Advocate with
Ms. Kartikeya Bhargawa,
Advocates with respondent No.2 in
person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.285/2013 under Sections 498-A/506/509/34 of IPC registered at police station Dabri, Delhi is sought on the basis of *Mediated Settlement* of 9th December, 2013 arrived at *Delhi High Court Mediation and Conciliation Centre (Annexure P-1)* and the fact that petitioner-husband and respondent No.2-wife are living together happily since 5th September, 2013.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for

respondent-State accepts notice and Mr. Rajat Aneja, 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 SI Bhagwan Singh on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Mediated Settlement* and terms thereof have been fully acted upon and that she is living together happily with petitioner-husband since 5th September, 2013. Respondent No.2 affirms the contents of aforesaid *Mediated Settlement* and submits that now no dispute with petitioners survives and to restore cordiality between the parties, 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.285/2013 under Sections 498-A/506/509/34 of *IPC* registered at police station Dabri, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners. However, it is made clear that if the marriage of respondent No.2 with petitioner-husband again runs into rough weather, then this order will not stand in her way to have recourse to law.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 21, 2015

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