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

Date of Decision: January 08, 2015

+ **CRL.M.C. 3951/2014**

SMT HARINDER KAUR Petitioner
Through: Mr. Yogesh Kumar Chandna,
Advocate
versus

STATE & ANR Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Baljinder Singh
Mr. Shiv Kumar Sharma, Advocate
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.104/2009, under Sections 420/467/468/471/34/120-B of *IPC* registered at police station Prasad Nagar, Delhi is sought on the basis of *Settlement Agreement* of 28th May, 2014 (*Annexure-A*) 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 Mr. Shiv Kumar Sharma, 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 he has been identified to be so by his counsel as well as by SI Baljinder Singh on the basis of identity proof produced by him.

Learned Additional Public Prosecutor for respondent-State submits on instructions that the trial of this FIR case has not yet begun.

Respondent No.2, present in the Court, submits that the allegations of forgery, etc., were against petitioner No.1, who is no longer in this world and the misunderstanding, which led to the incident in question, now stands cleared with petitioner No.2 and the dispute between the parties has been amicably resolved vide aforesaid *Settlement Agreement* whose terms have been fully acted upon. Respondent No.2 affirms the contents of aforesaid *Settlement Agreement* and of his affidavit of 28th May, 2014 supporting this petition and submits that now no dispute with petitioner No.2 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:-

“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 aforesaid *Settlement Agreement* and affidavit of respondent No.2, I find that continuance of proceedings qua petitioner No.2 in the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to cost of ₹15,000/- to be deposited by petitioner No.2 with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.104/2009, under Sections 420/467/468/471/34/120-B of *IPC* registered at police station Prasad Nagar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner No.2.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 08, 2015

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