

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

Date of Decision: January 19, 2015

+ **CRL.M.C. 4144/2014**

BHUPENDER KUMAR UJINIA & ORS Petitioners
Through: Mr. Sanjay Gautam, Advocate

versus

THE STATE & ANR Respondents
Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Abhishek
Mr. V.M. Issar, Advocate with
respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.163/2010, under Sections 498-A/406/34 of *IPC* registered at police station Prasad Nagar, Delhi is sought on the basis of *Settlement* whose terms find mention in the joint statement of petitioner-husband and respondent No.2-wife made before the Metropolitan Magistrate on 30th January, 2001 in proceedings under Section 125 of Cr.P.C..

Notice.

Ms. Nishi Jain, learned Additional Public Prosecutor for respondent-State accepts notice and Mr.V.M. Issar, 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 Abhishek 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 *Settlement* and terms thereof have been fully acted upon and that divorce by mutual consent has been already granted by the family court on 28th January, 2013. Respondent No.2 affirms the contents of aforesaid *Settlement* and submits that now no dispute with petitioners 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.163/2010, under Sections 498-A/406/34 of *IPC* registered at police station Prasad Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 19, 2015

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