

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 3421/2014**

ASHISH VIRMANI & ORS Petitioners
Through: Ms. Francesca Kapur, Advocate

versus

STATE & ANR Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Rakesh Rana
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.317/2011, under Sections 498-A/406 of *IPC* registered at police station Prashant Vihar, Delhi is sought on the basis of *Mediated Settlement* of 6th December, 2013 arrived at *Delhi High Court Mediation and Conciliation Centre (Annexure P-1)*.

Notice.

Mr.Vinod Diwakar, learned Additional Public Prosecutor for respondent-State accepts notice and 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 SI Rakesh Rana on the basis of identity proof produced by her.

Learned Additional Public Prosecutor for 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 dispute between the parties has been amicably resolved vide aforesaid *Mediated Settlement* and terms thereof have been fully acted upon as she has already received ₹8 lac out of the settled amount of ₹12 lac and today, she has received the balance settled amount of ₹4 lac by way of Cheque bearing No. 921733 of 9th December, 2014 and that divorce by mutual consent has been already granted by the family court on 21st July, 2014. Respondent No.2 affirms the contents of aforesaid *Mediated Settlement* and of her affidavit of 15th July, 2014 supporting this petition 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 provided the cheque in question is encashed.

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.317/2011, under Sections 498-A/406 of *IPC* registered at police station Prashant Vihar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners provided the cheque for the balance settled amount is encashed.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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