

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 4058/2014**

MANJIT SINGH & ANR Petitioners

Through: Mr. Inderpal Khokhar and Ms.
Muskan Sharma, Advocates

versus

STATE & ANR Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Pramod Kumar
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

% **(ORAL)**

In FIR No.353/2004 registered at P.S. Patel Nagar, Delhi, petitioners have been charged for the offence under Section 498-A of IPC only.

Learned counsel for petitioners has placed on record certified copy of trial court's order of 28th March, 2008, which discloses that the petitioners-accused persons have been discharged for the offence under Section 304-B of IPC and they have been called upon to face the trial under Section 498-A of IPC only. To seek the quashing of this FIR and the charge framed, reliance is placed upon *Compromise Deed* of 30th September, 2010.

Upon notice, respondent No.2, who is the father of the deceased, has appeared and he has been identified to be the complainant/first-

informant of the FIR in question.

Learned Additional Public Prosecutor for respondent-State submits that respondent No.2 has been identified to be so by SI Pramod Kumar on the basis of identity proof produced by him. 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 *Compromise Deed* and terms thereof have been fully acted upon and that it has been agreed by the parties that the daughter of the deceased, who is now aged about 11 years, would be maintained by petitioner No.1, who happens to be the real father. To show the bonafide, learned counsel for petitioners has placed on record copy of an FDR of ₹3 lac, which is in the name of minor child of the deceased and this FDR is encashable only when the child attains the age of majority. It is undertaken on behalf of petitioners that the child of the deceased would be looked after well by the petitioners.

Respondent No.2 affirms the contents of aforesaid *Compromise Deed* and of his affidavit of 30th August, 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.

Learned counsel for petitioners submits that in this case, petitioners have remained behind bars for a period of about one month or so and in the facts of this case, the continuance of proceedings arising out of the FIR in question, which was registered about a decade back, would be an exercise in futility.

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.”

Upon hearing both the sides and on perusal of the FIR of this case, the order on charge, the status report and the material on record, I find that in the peculiar facts and circumstances of this case, continuance of proceedings arising out of the FIR in question would be a futile exercise.

Consequently, this petition is allowed and FIR No.353/2004 under Sections 304-B/498-A of IPC registered at P.S. Patel Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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