

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 4018/2014**

AMIR AHMAD Petitioner

Through: Mr. Zishan Khan, Advocate

versus

STATE GOVT OF NCT DELHI ANRRespondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Amit Kumar
Mr. Ashutosh Lohia, Advocate
with respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.71/2008, under Sections 288/336 of *IPC* registered at police station Punjabi Bagh, Delhi is sought on the basis of *Mediated Settlement* of 19th April, 2014 arrived at *Delhi Mediation Centre, Tis Hazari Courts, Delhi (Annexure P-2)*.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State accepts notice and Mr.Ashutosh Lohia, 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 Amit Kumar 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 the terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Respondent No.2 affirms the contents of aforesaid *Mediated Settlement* and of her affidavit of 1st September, 2014 supporting this petition and submits that now no dispute with petitioner 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

Mediated Settlement and the affidavit of respondent No.2, I find that continuance of proceedings arising out of 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 and FIR No.71/2008, under Sections 288/336 of *IPC* registered at police station Punjabi Bagh, Delhi and the proceedings emanating therefrom are quashed *qua* petitioner.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

s