

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

*Date of Decision: January 19, 2015*

+ **CRL.M.C. 4587/2014**

M/S SAMIAH INTERNATIONAL BUILDERS PVT LTD

..... Petitioner

Through: Mr. Asgha Khan and Mr. Mohit  
Kumar Saxena, Advocates

versus

STATE & ANR

.....Respondents

Through: Mr. Navin Sharma, Additional  
Public Prosecutor for respondent-  
State with SI Vipin Kumar  
Mr. Anil Aggarwal, Advocate with  
respondent No.2 in person

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

% **JUDGMENT**  
**(ORAL)**

Quashing of FIR No.290/2013, under Sections 420/406/506/34 of  
*IPC* registered at police station New Ashok Nagar, Delhi is sought on the  
basis of *Compromise Deed/Settlement* of 24<sup>th</sup> June, 2013 (*Annexure-D*)  
and affidavit of respondent No.2.

Notice.

Mr. Navin Sharma, learned Additional Public Prosecutor for  
respondent-State accepts notice and Mr. Anil Aggarwal, Advocate,  
accepts notice on behalf of respondent No.2.

Learned Additional Public Prosecutor for respondent-State has

placed on record the status report and has submitted 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 Vipin Kumar on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Compromise Deed/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 *Compromise Deed/Settlement* and of his affidavit of 24<sup>th</sup> June, 2013 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 *Compromise Deed/Settlement* and 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 subject to cost of ₹50,000/- to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.290/2013, under Sections 420/406/506/34 of *IPC* registered at police station New Ashok Nagar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition is accordingly disposed of.

*Dasti.*

**(SUNIL GAUR)**  
**JUDGE**

**JANUARY 19, 2015**

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