

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

Date of Decision: January 16, 2015

+ (i) **CRL.M.C. 4440/2014**

R K JAIN

..... Petitioner

Through: Mr. Ashutosh Lohia, Mr. Yudhisth
Sharma, Mr. Satish Kumar and Mr.
R.K. Tripathi, Advocates

versus

THE STATE & ANR

.....Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Vishal
Respondent No.2 in person

+ (ii) **CRL.M.C. 3322/2014 & Crl.M.A.15817/2014**

SUBHASH CHANDER & ORS

..... Petitioner

Through: Mr. Ashutosh Lohia, Mr. Yudhisth
Sharma, Mr. Satish Kumar and Mr.
R.K. Tripathi, Advocates

versus

THE STATE & ANR

.....Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Vishal
Mr. A.K.Tripathi, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the above-captioned two petitions, quashing of cross FIRs i.e.

FIR No.277/2013 under Sections 451/506 of IPC [*in Crl.M.C.4440/2014*] and FIR No.7/2014 under Sections 323/506/509/34 of IPC [*in Crl.M.C.3322/2014*], both registered at P.S. Bharat Nagar, Delhi, is sought on the ground that the incident in question took place due to misunderstanding which now stands cleared between the parties, who are said to be neighbours.

Learned Additional Public Prosecutor for respondent-State submits that respondent No.2-Veena Rani [*in Crl.M.C.4440/2014*] and respondent No.2-Usha Rani [*in Crl.M.C.3322/2014*] present in court have been identified to be the complainant party of these two FIR cases by SI Vishal on the basis of identity proofs produced by them.

Respondents No.2/complainant party of these two FIR cases, present in the Court, submits that the dispute between the parties has been amicably resolved and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Respondents No.2-Veena and Usha Rani affirm the factum of the *Settlement* and contents of their affidavits of 29th September, 2014 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, 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 affidavits of complainant party, 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, both the petitions are allowed subject to cost of ₹15,000/- in each petition to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, cross FIRs i.e. FIR No.277/2013 under Sections 451/506 of IPC [*in Crl.M.C.4440/2014*] and FIR No.7/2014 under Sections 323/506/509/34 of IPC [*in Crl.M.C.3322/2014*], both registered at P.S. Bharat Nagar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

The above captioned two petitions and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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