

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

Date of Decision: January 19, 2015

+ **CRL.M.C. 4432/2014 & Crl.M.A.15203/2014**

RASHMI BANSAL & ORS Petitioners
Through: Mr. Manoj Ohri, Sr. Advocate,
with Mr. Rajesh Singh, Advocates

versus

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

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.17/2014, under Sections 370/371/354/34 of IPC registered at police station Mianwali Nagar, Delhi and the charge-sheet filed in this case is sought on the basis of *Settlement of Deed/Memorandum of Understanding* of 21st September, 2014 (*Annexure-F*).

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State has placed on record the status report 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 Sharmila on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Settlement of Deed/Memorandum of Understanding* and submits that she was employed as a Maid with petitioners No.1 & 2 through petitioner No.3 and the FIR in question is an outcome of a misunderstanding regarding payment of wages, etc., which now stands cleared and that she was of major age on the day of incident. Respondent No.2 affirms the contents of aforesaid *Settlement of Deed/Memorandum of Understanding* and of her affidavit of 23rd September, 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.

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 on perusal of the charge-sheet of this case, the status report, the *Settlement of Deed/Memorandum of Understanding* and the material on record, 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 total cost of ₹25,000/- 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.17/2014, under Sections 370/371/354/34 of *IPC* registered at police station Mianwali Nagar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 19, 2015

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