

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

Date of Decision: January 12, 2015

+ CRL.M.C. 4833/2014 & Crl. M.A.Nos. 16605-06-07/2015

UTTAM NARAYAN AGGARWAL Petitioner
Through: Mr. Soumitra Chhaterjje &
Ms. Sripriya Chhaterjje, Advocates

versus

KUSUM AGGARWAL & ANR. Respondents
Through: Respondent No.1 in person
Mr. Parveen Bhati, Additional
Public Prosecutor for respondent
No.2-State with ASI Ramesh Lal

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No. 372/2014, under Sections 406/323/506 of the IPC, registered at police station Preet Vihar, Delhi is sought on the basis of Settlement Deed of 29th August, 2014 (*Annexure P-4*) reached between the parties.

Notice.

Mr. Parveen Bhati, learned Additional Public Prosecutor for respondent No.2-State accepts notice 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 ASI Ramesh Lal, Investigating Office of this case.

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 settlement and terms thereof have been fully acted upon as today, she has received the balance settled amount of ₹13,50,000 by way of demand pay order No. '060360', dated 1st January, 2015, drawn on AXIS Bank, Delhi and decree of divorce has been already granted to the parties by matrimonial court concerned. Respondent No.2 affirms the contents of aforesaid settlement and of her affidavit of 12th January, 2015 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:-

“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.”

Since the subject matter of this FIR is essentially matrimonial, which now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed and FIR No. 372/2014, under Sections 406/323/506 of the IPC, registered at police station Preet Vihar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition and applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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