

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

Date of Decision: January 12, 2015

+ **CRL.M.C. 5261/2013**

MEHAR SINGH & ANR Petitioners

Through: Dr. (Maj.) J.C. Vashista and Ms.
Rekha Tiwari, Advocates

versus

STATE & ANR Respondents

Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Ajay
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.02/1997, under Sections 420/471/451/341/120-B/34 of *IPC* registered at police station Dabri, Delhi is sought on the basis of *Mediated Settlement* of 27th July, 2013 and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Upon notice, respondent No.2 has appeared in person and he has been identified to be the complainant of this case.

Mr.Parveen Bhati, learned Additional Public Prosecutor for respondent-State submits that the first-informant of the FIR in question is one Sushil Kumar and that respondent No.2, present in the Court, has

been identified to be the complainant of the FIR in question by SI Ajay on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that petitioners are his relatives and first informant-*Sushil Kumar* was his tenant, who is untraceable, and the *Mediated Settlement* of 27th July, 2013 has been acted upon and 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 his affidavit of 13th December, 2014 this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are said to be relatives, 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 peculiar facts and circumstances of this case and in view of aforesaid *Mediated Settlement*, 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 ₹10,000/- 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.02/1997, under Sections 420/471/451/341/120-B/34 of *IPC* registered at police station Dabri, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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