

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

Date of Decision: January 27, 2015

+ **CRL.M.C. 4967/2014**

ASHOK GUPTA & ANR Petitioners

Through: Mr. B.S. Randhawa and Mr.
Pukhraj, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

.....Respondents

Through: Mr.Karan Singh, Additional Public
Prosecutor for respondent-State
with Inspector Ravi Kant
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.508/2005, under Sections 448/427/380/341/34 of *IPC* registered at police station Sarita Vihar, Delhi is sought on the basis of *Compromise Deed/Settlement* of 6th September, 2014 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 the Court and has been identified to be complainant/first-informant of the FIR in question by SI Ravi Kant on the basis of identity proof produced by her.

Learned Additional Public Prosecutor for respondent-State submits

on instructions that a closure report in this FIR case has been filed but the protest petition is still pending before the trial court.

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 she has been duly compensated to the tune of ₹50,000/- by way of demand draft bearing No.213660 of 27th January, 2015 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 her affidavit of 28th October, 2014 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, 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

the 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 ₹20,000/- which stands paid to respondent No.2 by petitioners. Consequentially, FIR No.508/2005, under Sections 448/427/380/ 341/34 of *IPC* registered at police station Sarita Vihar, Delhi and the proceedings emanating therefrom stands quashed *qua* petitioners.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 27, 2015

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