

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

Date of Decision: January 09, 2015

+ CRL.M.C. 72/2015

AMIT JAIN & ORS.

..... Petitioners

Through: Mr. Raj Kumar Jain, Advocate

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for State with SI
Hukum Chand
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Crl. M.A.No.307/2011(u/S 482 Cr.P.C.)

For reasons stated in the application, delay of 21 days' in re-filing the accompanying petition is condoned.

Application is disposed of

CRL.M.C. 72/2015

Quashing of FIR No. 86/2011, under Sections 498-A/406/34 of the IPC, registered at police station Mansarovar Park, Delhi is sought on the basis of mediated settlement of 25th January, 2012 arrived at *Delhi Mediation Centre, Karkardooma Courts, Delhi (Annexure-B colly)*.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for

respondent-State accepts notice and submits that respondent No.2 is present in the Court and she has been identified to be the complainant/first-informant of the FIR in question by SI Hukum Singh, Investigating Officer of this case.

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 ₹25,000/- by way of demand pay order No. '956491' dated 3rd November, 2011, drawn on UCO Bank, Delhi High Court Branch, New Delhi and that divorce by mutual consent has been already granted by the family court on 28th February, 2013 by the matrimonial court. Respondent No.2 affirms the contents of aforesaid Settlement and of her affidavit of 23rd May, 2013 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:-

“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. 86/2011, under Sections 498-A/406/34 of the IPC, registered at police station Mansarovar Park, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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