

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

Date of Decision: January 20, 2015

+ CRL.M.C. 225/2015

NIRMAL SHARMA & ORS. Petitioners
Through: Mr. Anil Kumar Thakur, Advocate

versus

STATE(GNCT OF DELHI) & ANR. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1- State with WSI Rita
Mr. M.C. Sharma, Advocate for
respondent No.2

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

JUDGMENT
% **(ORAL)**

Crl. M.A.No.893/2015 (u/S 482 Cr.P.C.)

Delay of 37 days in re-filing the accompanying petition is condoned for the reasons stated in the application.

Application is disposed of.

CRL.M.C. 225/2015

In this petition, quashing of FIR No. 216/2003, under Sections 498-A/406/34 of the IPC, registered at police station Prashant Vihar, Delhi is sought by petitioners. Terms of settlement finds mention in the judgment of 24th May, 2012 of the matrimonial court.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent No.1-State accepts notice and Mr.M.C.Sharma , Advocate, accepts notice on behalf of respondent No.2.

Learned Additional Public Prosecutor for respondent –State 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 her counsel as well as by WSI Rita, Investigating Officer 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 and terms thereof have been fully acted upon as today, she has received the balance settled amount of ₹1,00,000/- by way of demand draft bearing No.'078501', dated 19th December, 2014, drawn on Allahabad Bank, Wazirpur Industrial Area, Delhi and that divorce by mutual consent has been already granted by the matrimonial court on 24th May, 2012. Respondent No.2 affirms the contents of aforesaid settlement and of her affidavit of 14th October, 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:-

“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. 216/2003, under Sections 498-A/406/34 of the IPC, registered at police station Prashant Vihar, Delhi and the proceedings emanating therefrom are quashed qua petitioners. It is made clear that if petitioner No.1-husband fails to pay the interim maintenance to the children in terms of settlement, then respondent No.2-wife shall be at liberty to get this petition revived.

This petition is accordingly disposed of.

**(SUNIL GAUR)
JUDGE**

JANUARY 20, 2015

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