

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

Date of Decision: January 14, 2015

+ **CRL.M.C. 5457/2014**

RANI YADAV & ORS Petitioners

Through: Mr. V.K. Sharma, Advocate

versus

STATE & ANR Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with ASI Devender and SI
P.R. Hooda
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.705/2008, under Sections 147/323/506/427/34 of *IPC* registered at police station Dwarka, Delhi is sought on the basis of *Compromise/Settlement* of (*Annexure P-3*) and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and he has been identified to be so by SI P.R. Hooda on the basis of identity

proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Compromise/Settlement* and the terms thereof have been fully acted upon 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/Settlement* and of his affidavit of 26th November, 2014 supporting 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 residents of the grouping housing society, 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 facts and circumstances of this case and in view of aforesaid *Compromise/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 cost of ₹30,000/- to be equally borne by all the petitioners. The cost be deposited with the *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.705/2008, under Sections 147/323/506/427/34 of *IPC* registered at police station Dwarka, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2015

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