

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

Date of Decision: January 14, 2015

+ **CRL.M.C. 5718/2014**

PARVESH & ANR Petitioners

Through: Ms. Sonia Malhotra, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS ...Respondents

Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with ASI Pradeep Kumar and
HC Anil

Ms. Insha Goel, Advocate Mr.
R.K. Gautam, Advocate with
respondent No.2 & 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.279/2011, under Sections 323/324/34 of *IPC* registered at police station Aman Vihar, Delhi is sought on the basis of *Mediated Settlement* of 25th September, 2014 (*Annexure P-2*) and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Notice.

Mr. Praveen Bhati, learned Additional Public Prosecutor for respondent-State accepts notice and Ms. Isha Goel, Advocate, accepts notice on behalf of respondents No.2 & 3.

Learned Additional Public Prosecutor for respondent–State submits that respondent No.2 & 3, present in the Court, are the complainant party of the FIR in question and they have been identified to be so by their counsel as well as by ASI Pradeep Kumar on the basis of identity proofs produced by them.

Respondent No.2 & 3, present in the Court, submit that the dispute between the parties has been amicably resolved vide aforesaid *Mediated 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 & 3 affirm the contents of aforesaid *Mediated Settlement* and of their affidavit of 11th December, 2014 supporting this petition and submit 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:-

“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

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 the two petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.279/2011, under Sections 323/324/34 of *IPC* registered at police station Aman Vihar, 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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