

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

Date of Order: January 07, 2019

+ **CRL.M.C. 29/2019 & CrI.M.As. 109-110/2019**

MOHD. YUSUF @ SUFI MOHD. HUSSAIN & ORS. . Petitioners
Through: Mr. Gaffar Hussain, Advocate

Versus

STATE & ANR. Respondents
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-State with SI
Pushpendra
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 77/2016, under Sections 498-A/406/34 of *IPC* registered at police station Bara Hindu Rao, Delhi is sought on the basis of *Settlement* of 9th January, 2018 (*Annexure P-4*).
2. Upon notice, Mr. Izhar Ahmed, 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 SI Pushpendra on the basis of identity proof produced by her.
3. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Settlement* of 9th January, 2018 (*Annexure P-4*) and terms thereof have been fully

acted upon as today, she has received the balance settled amount of ₹2,00,000/- by way of four demand drafts bearing Nos.364031 & 364029 dated 4th January, 2019 and demand drafts No. 363995 and 363994 dated 19th December, 2019, of ₹50,000/- each, drawn on State Bank of India, Branch Nawabganj, Delhi and that divorce under Muslim Law has been already obtained by the parties. Respondent No.2 affirms the contents of aforesaid *Settlement* of 9th January, 2018 (*Annexure P-4*) and of her affidavit 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.

4. 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.”

5. 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.

6. Accordingly, this petition is allowed subject to cost of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within four weeks from today. Upon placing on record the receipt of cost, FIR No. 77/2016, under Sections 498-A/406/34 of *IPC* registered at police station Bara Hindu Rao, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

7. This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 07, 2019

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