

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

Date of Order: January 10, 2019

+ **CRL.M.C. 65/2019 & CrI.M.A. 335/2019**

MR. DEEPAK & ANR. Petitioners
Through: Mr. Hitesh Chopra & Mr. Ashok,
Advocates

Versus

STATE & ANR. Respondent
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-State with SI
Manoj Chauhan
Mr. Pradeep Kumar Pathak, Advocate with
respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.658/2018, under Section 324 IPC, registered at police station Paschim Vihar, Delhi is sought on the basis of Memorandum of Understanding of 8th December, 2018 reached between the parties.

Upon notice, Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent No.1-State and Mr. Pradeep Kumar Pathak, Advocate for respondent No.2, accept notice. Respondent No.2 present in the Court has been duly identified by his counsel as the complainant/first-informant of the FIR in question.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Memorandum of Understanding of 8th December, 2018 and terms thereof, have been fully acted upon. He affirms the contents of Memorandum of Understanding of 8th December, 2018 and of his affidavit of 24th December, 2018 filed in support of 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, Supreme 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.”

In the facts and circumstances of this case and in view of aforesaid Memorandum of Understanding of 8th December, 2018, 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.

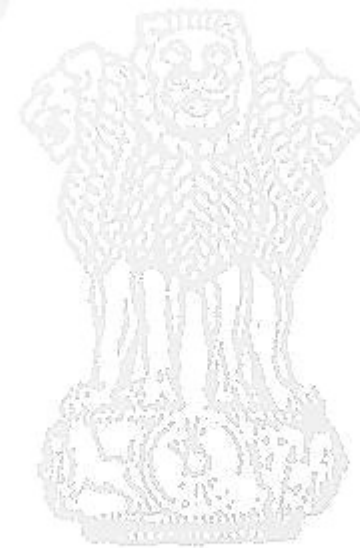
Accordingly, this petition is allowed subject to cost of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within four weeks from today and upon placing on record the receipt of deposit of cost with two weeks thereafter, FIR No.658/2018, under Section 324 IPC, registered at police station Paschim Vihar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 10, 2019

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