

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

*Date of Order: December 20, 2018*

+ **CRL.M.C. 3199/2018**

OMBEER SINGH @ OMBIR SINGH & ORS .....Petitioners

Through: Mr. Shailender & Mr. N.P.Singh,  
Advocates

Versus

STATE ( NCT OF DELHI) & ANR .....Respondents

Through: Mr. Izhar Ahmed, Additional  
Public Prosecutor for respondent-  
State with ASI Aman Kumar  
Respondent No. 2 in person with  
Ms. Harshita Singh, Advocate

**CORAM:**

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

**ORDER**  
**(ORAL)**

1. Quashing of FIR No. 57/2016, under Sections 498A/406/34 of IPC, registered at police station CAW Cell Nanakpura, New Delhi is sought by petitioners on the basis of mediated settlement of 1<sup>st</sup> February, 2017 (*Annexure P-2*).
2. Upon notice, Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State submits that respondent No.2, is present in the Court and she has been identified to be the complainant of FIR in question by ASI Aman Kumar.
3. Respondent No.2, present in the Court, submits that the terms of settlement 1<sup>st</sup> February, 2017 (*Annexure P-2*) have been fully acted upon,

as today she has received demand draft bearing No. 240977, dated 27<sup>th</sup> November, 2018, amounting to ₹2,25,000/- drawn on Bank of India, Faridabad Branch, Haryana. She submits that divorce by mutual consent has been already granted by the family court on 13<sup>th</sup> November, 2017. Respondent No.2 affirms the contents of her affidavit of 2<sup>nd</sup> May, 2018 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, 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.”*

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, FIR No. 57/2016, under Sections 498A/406/34 of IPC, registered at police station CAW Cell Nanakpura, New Delhi and proceedings emanating therefrom are hereby quashed.

7. This petition is accordingly disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**DECEMBER 20, 2018**

v

