

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

Date of Order: December 18, 2018

+ **CRL.M.C.4836/2018 & CrI.M.A.32660/2018**

LALIT MOHANPetitioner

Through: Mr. K.K. Tyagi, Advocate

versus

STATE AND ANR.Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State with SI Rajiv Kumar, P.S.
Jyoti Nagar
Respondent No.2 in person with
Mr. Vinod Sharma, Advocate

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

ORDER
(ORAL)

1. Quashing of FIR No.634/2015, under Sections 307/34 of *IPC* registered at Police Station Jyoti Nagar, Delhi is sought on the basis of *Mediated Settlement* of 1st July, 2017 (*Annexure-C*) and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.
2. Upon notice, Ms. Neelam Sharma, 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 her counsel as well as by SI Rajiv Kumar

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 *Mediated Settlement* and the terms thereof have been fully acted upon, as today a demand draft bearing No. 780246 of 17th December, 2018 for rupees one lac has been handed over to her and she has accepted it. Respondent No.2 affirms the contents of aforesaid *Mediated Settlement* and of her affidavit placed on record in support of this petition and submits that now no dispute with petitioner survives and therefore, the proceedings arising out of the FIR in question be brought to an end, provided the previous costs of rupees seven thousand five hundred imposed upon petitioner vide order of 28th November, 2018 is paid to her.

4. At this stage, learned counsel for petitioner, on instructions, submits that the previous costs of rupees seven thousand five hundred would be paid to respondent No.2/complainant before the trial court on the date fixed i.e. 8th February, 2019. This is acceptable to respondent No.2, who is present in the Court.

5. 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.”

6. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466.

7. Upon hearing, I find that it is arguable as to whether Section 307 of IPC is made out or not. However, since the matrimonial dispute, which is the subject matter of this case, stands mutually resolved between the parties in view of aforesaid *Mediated Settlement* and the fact that respondent No.2 has been duly compensated, 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.

8. Accordingly, this petition is allowed subject to petitioner paying previous costs of ₹7,500/- to respondent No.2 before the trial court, as undertaken by him today. Upon payment of previous costs to respondent No.2 before the trial court, FIR No.634/2015, under Sections 307/34 of *IPC* registered at Police Station Jyoti Nagar, Delhi and the proceedings emanating therefrom, shall stand quashed *qua* petitioner. It is made clear that in case petitioner fails to pay the previous costs, as noted above, then respondent No.2/complainant will be at liberty to get this order revoked.

9. This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2018

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