

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

Date of Order: December 20, 2018

+ CRL.M.C. 5482/2018

ABDUL SAMAD SHAIKH & ORS.Petitioners

Through: Mr. M.Hasibudding, Advocate

versus

STATE & ORS.Respondents

Through: Dr. M.P. Singh, Additional Public
Prosecutor with SI C.P. Singh
Respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 198/2013, under Sections 323/324/341/34 IPC, registered at police station Jamia Nagar, Delhi is sought on the ground that misunderstanding which led to registration of the FIR, now stands cleared between the parties.
2. Mr. M.P.Singh, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondents No.2 & 3, present in the Court have been identified to be the complainant/injured party of FIR in question by SI C.P. Singh on the basis of identity proof produced by them.
3. Respondents No.2 & 3, present in the Court, submit that the dispute between the parties has been amicably resolved and the

misunderstanding, which led to the incident in question, now stands cleared between the parties. They affirm the contents of their affidavits filed in support of this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, 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:-

"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."

5. The aforesaid dictum stands reiterated by the Supreme Court in later decision in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466.

6. In the facts and circumstances of this case and in view of the fact that the misunderstanding which led to registration of FIR in question now stands cleared between the parties, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

7. Accordingly, this petition is allowed and FIR No. 198/2013, under

Sections 323/324/341/34 IPC, registered at police station Jamia Nagar, Delhi and proceedings emanating therefrom are quashed.

8. This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2018

v

