

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

Date of Order: December 20, 2018

+ **CRL.M.C. 5942/2018**

JAI PRAKASH SHARMA & ORS.Petitioners

Through: Mr. Rakesh Sharma, Advocate

versus

STATE & ANR.Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-
State with SI Shailendra Kumar
Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 220/2016, under Sections 498A/406/34 IPC, registered at police station Gokul Puri, North-east District, Delhi is sought on the basis of Memorandum of Understanding of 18th April, 2018.
2. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court has been identified to be the complainant of FIR in question by SI Shailendra Kumar Singh on the basis of identity proof produced by her.
3. Respondent No.2, present in the Court, submits that the terms of

Memorandum of Understanding of 18th April, 2018 have been fully acted upon, as today she has received the balance settled amount of ₹30,000/- in cash from petitioners. She submits that divorce by mutual consent has been already granted by the family court on 23rd May, 2018. Respondent No.2 affirms the contents of her affidavit of 23rd 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:-

“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. In the facts and circumstances of this case and in view of aforesaid Memorandum of Understanding of 18th April, 2018, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the matrimonial discord has been amicably resolved and decree of divorce has been already obtained by the parties.

6. Accordingly, FIR No. 220/2016, under Sections 498A/406/34 IPC, registered at police station Gokul Puri, North-east District, Delhi and

proceedings emanating therefrom stands quashed.

7. This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2018

v

