

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

Date of Order: December 18, 2018

+ CrI.M.C. 5666/2018

VICKY MALTHORA

..... Petitioner

Through: Mr. Rajat Mathur, Advocate with
petitioner in person

Versus

THE STATE & ANR.

..... Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-State with SI
Jitender
Respondent No.2 in person with Mr. Vicky
Malhotra, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Quashing of FIR No. 1128/2014, under Sections 498A/406/34 IPC r/w Section 4 of *The Dowry Prohibition Act, 1961*, registered at police station K.N.Katju Marg, Delhi is sought by petitioner on the basis of Memorandum of Understanding of 12th December, 2014 (*Annexure-P-3*).
2. Upon notice, Ms. Neelam Sharma, learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court, is the complainant/first-informant of the FIR in question and she has been identified to be so, by SI Jitender Kumar.
3. Counsel for petitioner submits that the dispute between the parties is a matrimonial dispute, which has been amicably resolved in terms of Memorandum of Understanding of 12th December, 2014 (*Annexure-P-3*).

4. Respondent No.2, present in the Court, submits that the terms of settlement have been fully acted upon, as today she has received the balance settled amount of ₹75,000/- by way of cash and cost amount of ₹5,000/- from petitioner and that divorce by mutual consent has been already granted by the family court on 8th January, 2016. Respondent No.2 affirms the contents of her affidavit of 29th October, 2018 supporting this petition and submits that now no dispute with petitioner survives and so, the proceedings arising out of the FIR in question be brought to an end.

5. 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.”

6. 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.

7. Accordingly, subject to petitioner depositing cost of ₹50,000/- with *Prime Minister's National Relief Fund* within four weeks from today and placing on record receipt of deposit of cost on record of this case as well as before Trial Court, FIR No. 1128/2014, under Sections 498A/406/34 IPC r/w Section 4 of *The Dowry Prohibition Act, 1961*, registered at police station K.N.Katju Marg, Delhi and the proceedings emanating therefrom, shall stand quashed.

8. With aforesaid directions, this petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2018

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