

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

Date of Order: December 18, 2018

+ CrI.M.C. 5919/2018

RAJESH SHARMA & ORS. Petitioners
Through: Ms. Amrita Joshi, Advocate

Versus

STATE OF NCT OF DELHI Respondent
Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-State with SI
Onkar Singh
Respondent No.2 in person with
Mr.A.A.Ansari, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Quashing of FIR No.421/2016, under Sections 323/354A/509/34 IPC, registered at police station Safdarjung Enclave, New Delhi is sought, on the premise that the misunderstanding amongst the parties, which led to registration of FIR in question, stands cleared.
2. Upon notice, Ms. Neelam Sharma, Additional Public Prosecutor for respondent-State and Mr. A.A.Ansari, Advocate for respondent No.2, submit that respondent No.2 is the complainant of the FIR in question and she is present in the Court and she has been identified to be so, by SI Onkar Singh. Complainant affirms the contents of her affidavit of 15th November, 2018 supporting this petition and submits that now no dispute with petitioners survives and so, proceedings arising out of FIR in question be brought to an end.

3. 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.”

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

5. In view of the fact that the incident in question, which led to lodging of FIR in question, took place on a trivial issue and the misunderstanding amongst the parties now stands cleared, this Court finds that continuance of proceedings arising out of this FIR would be an exercise in futility.

6. Accordingly, subject to petitioners depositing costs of ₹10,000/- with *Prime Minister's National Relief Fund* within four weeks from today and placing proof of its deposit on record of this case as well as before the trial court, FIR No.421/2016, under Sections 323/354A/509/34 IPC,

registered at police station Safdarjung Enclave, New Delhi and proceedings emanating therefrom shall stand quashed.

7. This petition stands accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2018

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