

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

Date of Order: December 20, 2018

+ CrI.M.C.4370/2017

ASHWANI KUMAR TANDON & ANRPetitioners

Through: Mr. Idresh Ahemad, Advocate

versus

THE STATE NCT OF DELHI & ANRRespondents

Through: Mr. Izhar Ahmad, APP for State
with SI Balwan Singh, and W/SI
Shivali, P.S. Ashok Vihar
Mr. Gaurav Chowdhary, Advocate
with Attorney of Respondent No. 2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 267/2004, under Sections 453/506/34 IPC, registered at police station Ashok Vihar, Delhi is sought on the basis of *Mediated Settlement* of 2nd November, 2016 arrived at *Delhi Mediation Centre, Rohini District Courts, Delhi (Annexure P-5)*.
2. Notice.
3. Mr. Izhar Ahmad, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Gaurav Chowdhary, Advocate, accepts notice on behalf of respondent No.2.
4. Learned Additional Public Prosecutor for respondent–State submits that son of respondent No.2 is present in the Court, who is

complainant/first-informant of the FIR in question and he has been identified to be so by counsel for respondent No. 2 as well as by SI Balwan Singh on the basis of identity proof produced by him.

5. Son of respondent No. 2 is present in Court has handed over Special Power of Attorney given by respondent No. 2 to him whereby he has been authorized to appear in this case.

6. Mr. Raman Kumar Tandon, son of respondent No. 2 present in Court, affirms the contents of the *Settlement Agreement* of 2nd November, 2016 and he submits that now no dispute remains and so, these proceedings be brought to an end.

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.”

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

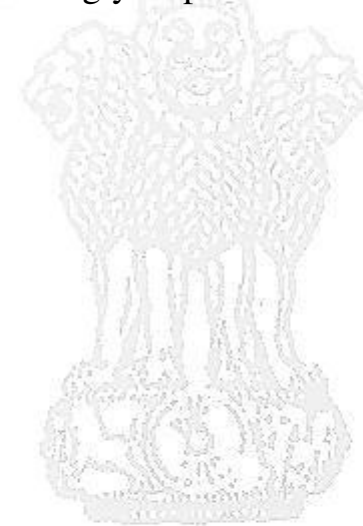
8. Upon hearing, I find that continuance of the proceedings arising out of the FIR in question would be an exercise in futility.

9. Accordingly, subject to cost of ₹50,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within four weeks from today and on placing on record, the receipt of cost, FIR No. 267/2004, under Sections 453/506/34 IPC, registered at police station Ashok Vihar, Delhi and the proceedings emanating therefrom shall stand quashed.

10. This petition is accordingly disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2018
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