

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

Date of Order: December 21, 2018

+ **CRL.M.C. 6580/2018 & CrI.M.A. 50533/2018**

TILAK RAJ ARORA & ANR. Petitioners

Through: Mr. Vijay Kishore Sharma,
Advocate

Versus

STATE OF NCT DELHI & ANR. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State with SI
S.D.Sharma
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No.664/2014, under Sections 323/354/354B/509/34, registered at police station Jagatpuri, Delhi is sought, on basis of mediated settlement of 12th December, 2017 reached at Karkardooma Courts, Delhi.

2. Upon notice, Mr. M.S.Oberoi, Additional Public Prosecutor for respondent-State submits that respondent No.2 is the complainant of FIR in question and she is present in the Court and she has been identified to be so, by SI S.D.Sharma.

3. Respondent No.2 /Complainant submits that mediated settlement of 12th December, 2017 has been acted upon and now, no dispute with

petitioners survives and so, proceedings arising out of 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:-

“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.”

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. Since the misunderstanding which led to lodging of FIR in question now stands cleared, therefore, this Court finds that continuance of proceedings arising out of this FIR would be an exercise in futility.

7. 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 deposit on record of this case as well as before the trial court, FIR No.664/2014, under Sections 323/354/354B/509/34,

registered at police station Jagatpuri, Delhi and proceedings emanating therefrom shall stand quashed.

8. This petition and application stand disposed of in aforesaid terms.

Dasti.

(SUNIL GAUR)
JUDGE

DECEMBER 21, 2018

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