

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

Date of Order: December 18, 2018

+ Crl.M.C. 6228/2018 & Crl.M.A. 49155/2018

ANIL KUMAR SHARMA Petitioner
Through: Mr. Ashish Gautam, Advocate

Versus

STATE & ANR. Respondents
Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State with ASI Ajay
Kumar
Respondent No.2/complainant in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No.720/2016, under Sections 406/408/420/120-B/34 of IPC, registered at police station Nihal Vihar, Delhi is sought on the basis of Settlement Deed of 15th November, 2017 (*Annexure P-2 colly*).
2. Learned counsel for petitioner submits that respondents No.3 & 4 are proforma parties and this is not disputed by learned Additional Public Prosecutor for respondent-State.
3. Learned Additional Public Prosecutor for respondent-State submits that *Vivek Garg*, complainant of the FIR in question, is present in the Court and he has been identified to be so, by ASI Ajay Kumar.

Complainant submits that Settlement Deed of 15th November, 2017 (*Annexure P-2 colly*) has been acted upon and he affirms the contents of his affidavit supporting this petition and submits that now no dispute with petitioner 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. Upon hearing and on perusal of Status Report filed by Additional Public Prosecutor for respondent-State, I find that continuance of proceedings arising out of FIR in question against petitioner would serve no purpose. However, proceedings arising out of FIR in question against

respondent No.3 ought to continue, as allegations under Sections 406/408 IPC etc. are levelled against him.

7. In the light of aforesaid, FIR No.720/2016, under Sections 406/408/420/120-B/34 of IPC, registered at police station Nihal Vihar, Delhi and proceedings emanating therefrom are quashed qua petitioner only, subject to his depositing cost of ₹50,000/- with *Prime Minister's National Relief Fund* within four weeks from today. The receipt of deposit of cost be placed on record of this case as well as before the trial court within two weeks thereafter.

8. This petition and application are accordingly disposed of with aforesaid directions.

(SUNIL GAUR)
JUDGE

DECEMBER18, 2018
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