

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

Date of Order: December 18, 2018

+ **CRL.M.C.5282/2017**

NARENDER TOMAR & ORS. Petitioners

Through: Mr. Vijay Singh, Advocate

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Ravi Kumar, P.S.
Narela
Respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No.184/2014, under Sections 308/34 of *IPC* registered at police station Narela, Delhi is sought by petitioners on the ground that a trivial quarrel had led to registration of the FIR in question and the misunderstanding now stands cleared vide *Memorandum of Understanding of 11th December, 2017 (Annexure D-Colly.)*. Quashing of FIR under Section 174-A of *IPC* is also sought by petitioner-Jagbir Singh, who claims to be an ex-serviceman, while submitting that in FIR under Section 174-A of *IPC*, he has already remained behind bars for about two and half months.

2. Upon notice, learned Additional Public Prosecutor for respondent-

State submits that respondents No.2 & 3, present in the Court, are the complainant party i.e. first informant and injured of this case and they have been identified to be so by SI Ravi Kumar on the basis of identity proof produced by them.

3. Respondents No.2 & 3, present in the Court, affirm the contents of aforesaid *Memorandum of Understanding* and of their affidavits placed on record and submit that since no dispute with petitioners now survives and so, to restore the cordiality amongst the parties, the proceedings arising out of the FIR in question be brought to an end.

4. In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

5. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466.

6. Upon hearing and on perusal of material on record, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of

the FIR, now stands amicably cleared between the parties vide aforesaid *Memorandum of Understanding (Annexure-D colly.)*. As regards FIR under Section 174-A of IPC, I find that petitioner-*Jagbir Singh* has already remained behind bars for about two and half months and so, the proceedings arising out of this FIR also deserve to be brought to an end.

7. Accordingly, this petition is allowed subject to costs of ₹10,000/- each to be deposited by petitioners with *Prime Minister's National Relief Fund* within four weeks from today. Upon placing on record the receipt of costs before the trial court within two weeks thereafter, FIR No.184/2014, under Sections 308/34 of *IPC* registered at police station Narela, Delhi and the FIR under Section 174-A of IPC against petitioner-*Jagbir Singh* and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

8. This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2018

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