

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

Date of Order: December 20, 2018

+ CrI.M.C.6548/2018

NARESH KUMAR

..... Petitioner

Through: Ms. Anuradha Yadav and Mr.
Karamveer Singh, Advocates

versus

STATE & ANR

.....Respondents

Through: Mr. Manjeet Singh Oberoi,
Additional Public Prosecutor for
State with SI Anil Kumar, PS Neb
Sarai.
Mr. Deepak Pathak, Advocate for
Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 318/2015, under Section 135 of Indian Electricity Act, 2003 registered at police station Neb Sarai, Delhi is sought in this petition.
2. Quashing of aforesaid FIR is sought on the basis of *No Dues Certificate of 2nd August, 2018 (Annexure C)* issued by respondent No.2/complainant/first-informant of the FIR in question.
3. Notice.
4. Mr. Manjeet Singh Oberoi, Additional Public Prosecutor for respondent-State accepts notice.

5. Mr. Deepak Pathak, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved between the parties and *No Dues Certificate* has been already issued by respondent No.2/complainant/first-informant of the FIR in question and so, the proceedings arising out of the FIR in question 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.”

6. Since the subject matter of this FIR now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

7. Accordingly, this petition is allowed and FIR No 318/2015, under Section 135 of Indian Electricity Act, 2003 registered at police station

Neb Sarai, Delhi and the proceedings emanating therefrom are quashed.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2018

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