

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

Date of Order: December 19, 2018

+ CRL.M.C. 6473/2018

MEHDI HASAN & ORS. Petitioners

Through: Mr. Akhtar Shamim, Advocate

Versus

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

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State with SI Balbir
Respondents No.2 to 4 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 323/2011, under Sections 323/308/34 IPC, registered at police station Khajuri Khas, Delhi is sought on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

2. Mr. M.P.Singh Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondents No.2 to 4 are present in the Court and they have been identified to be so by SI Balbir to be the injured of this FIR case, on the basis of identity proof furnished by them.

3. Respondents No.2 & 3, present in the Court, affirm the contents of their affidavit filed in support of this petition and they submit that now no

dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, 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 Supreme 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 Supreme Court in later decision in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466.

6. In view of the fact that the misunderstanding amongst the parties stands now cleared, this Court finds that continuance of proceedings arising out of this FIR would be an exercise in futility.

7. Accordingly, subject to petitioners depositing cost 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. 323/2011, under Sections 323/308/34 IPC, registered at police station Khajuri Khas, Delhi and proceedings emanating therefrom shall stand quashed.

8. This petition stands disposed of accordingly.

Dasti.

(SUNIL GAUR)
JUDGE

DECEMBER 19, 2018

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