

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

Date of Order: December 18, 2018

+ CRL.M.C. 6464/2018 & CrI.M.A. 50055-56/2018

MOHD. GULFAM HUSSAIN & ORS. Petitioners
Through: Mr. Bharat Bhushan, Advocate

Versus

STATE & ORS. Respondents
Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent No.1-
State with HC Arvind
Respondents No.2 & 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 386/2018, under Sections 325/308/354/354A/506/509/34 IPC, registered at police station Aman Vihar, Delhi is sought on the basis of Memorandum of Understanding of 2nd July, 2018 (*Annexure-P/5*) and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

2. Mr. M.P.Singh, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondents No.2 & 3, present in the Court have been identified to be the complainant party of FIR in question by HC Arvind on the basis of identity proof produced by them.

3. Respondents No.2 & 3, present in the Court, submit that the dispute between the parties has been amicably resolved vide aforesaid Memorandum of Understanding of 2nd July, 2018 (*Annexure P/5*) and the terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. They affirm the contents of aforesaid Memorandum of Understanding of 2nd July, 2018 (*Annexure P/5*) and their affidavits filed in support of this petition and 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 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. In the facts and circumstances of this case and in view of aforesaid Memorandum of Understanding of 2nd July, 2018 (*Annexure P/5*), 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 this FIR, now stands cleared between the parties.

6. Accordingly, this petition is allowed and FIR No. 386/2018, under Sections 325/308/354/354A/506/509/34 IPC, registered at police station Aman Vihar, Delhi is quashed subject to petitioners depositing cost of ₹10,000/- with *Prime Minister's National Relief Fund* within four weeks from today. The receipt of deposit of cost be placed on record within two weeks thereafter.

7. This petition and applications are accordingly disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2018

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