

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

Date of Order: December 20, 2018

+ CRL.M.C. 6528/2018 & C.M. 50325/2018

ROHIT BHARGAVA & ORS. Petitioners
Through: Mr. Jitender Gupta & Mr. Deepak
Rohilla, Advocates

Versus

STATE & ANR. Respondents
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-State with
WSI Kailash Kain
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 23/2017, under Sections 498A/406/34 of IPC, registered at police station Vasant Vihar, New Delhi is sought by petitioners on the basis of mediated settlement of 15th October, 2018 arrived at Counseling Cell, Family Courts, New Delhi (*Annexure B*).
2. Upon notice, Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so, by WSI Kailash Ken.
3. Counsel for petitioners submits that the dispute between the parties

is a matrimonial dispute, which has been amicably resolved in terms of mediated settlement of 15th October, 2018 (*Annexure -B*).

4. Respondent No.2, present in the Court, submits that the terms of settlement have been fully acted upon and that divorce by mutual consent has been already granted by the family court on 20th November, 2018. Respondent No.2 affirms the contents of her affidavit of 20th November, 2018 supporting this petition and submits that now no dispute with petitioners survives and so, the proceedings arising out of the FIR in question be brought to an end.

5. 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 is essentially matrimonial, which 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 FIR No. 23/2017, under Sections 498A/406/34 of IPC, registered at police station Vasant Vihar, New Delhi and the proceedings emanating therefrom shall stand quashed subject to petitioners depositing cost of ₹30,000/- with *Prime Minister's National Relief Fund* within four weeks from today and after receipt of deposit of cost is placed on record within two weeks thereafter.

8. With aforesaid directions, this petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2018

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