

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

Date of Order: December 21, 2018

+ **CRL.M.C. 6605/2018 & CrI.M.A.50616/2018**

DHEERAJ & ORS.

.....Petitioners

Through: Mr. S.K. Gupta and Mr. B.Singh,
Advocates

Versus

STATE & ANR.

.....Respondents

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with SI Deepak Bhardwaj
Mr. N.L. Singh, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No.135/2012, under Sections 498-A/406/34 of *IPC* registered at police station Adarsh Nagar, New Delhi is sought on the basis of *Mediated Settlement* of 30th August, 2018 (*Annexure-4*).
2. Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court, is the father of complainant/first-informant of the FIR in question and he has been identified to be so, by SI Deepak Bhardwaj as well as by his counsel.
3. Respondent No.2, present in the Court, submits that *Sapna*, who is the complainant/first informant of the FIR in question, had died natural

death on 19th September, 2016 and submits that in terms of aforesaid *Mediated Settlement*, he has been duly compensated to the tune of ₹1.80 lac, in cash and that the terms of aforesaid *Mediated Settlement* have been fully acted upon. Respondent No.2, present in the Court, affirms the contents of aforesaid *Mediated Settlement* and of his affidavit of 12th December, 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.

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 Supreme Court in a recent judgment in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466.

6. Considering the fact that respondent No.2 has been duly compensated and the matrimonial dispute, which is the subject matter of the FIR in question, stands mutually settled in view of aforesaid *Mediated Settlement*, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

7. Accordingly, this petition is allowed subject to costs of ₹10,000/- 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 this Court as well as before trial court, FIR No.135/2012, under Sections 498-A/406/34 of *IPC* registered at police station Adarsh Nagar, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

8. This petition and the application are accordingly disposed of.
Dasti.

(SUNIL GAUR)
JUDGE

DECEMBER 21, 2018

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भारतमेव जयते