

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

Date of Order: December 21, 2018

+ CrI.M.C. 6566/2018 & CRL.M.A. 50495/2018

SABIR & ORS

.....Petitioners

Through: Mr. Aditya Gaur and Mr. Pankaj
Gupta, Advocates

Versus

THE STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor, with ASI Ram Lal

Respondents No.2 & 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 23/2015, under Sections 323/341/308/34 of IPC. registered at police station Malviya Nagar, Delhi is sought on the basis of *Memorandum of Understanding* dated 10th October, 2018 (*Annexure- B*).

2. Upon notice, Mr. M.P. Singh, learned Additional Public Prosecutor for respondent-State submits that respondents No.2 & 3 are the complainant party of FIR in question and they are present in the Court and have been identified to be so, by ASI Ram Lal on the basis of identity proof furnished by them.

3. Respondents No.2 & 3 submit that the dispute between the parties has been amicably resolved vide aforesaid *Memorandum of Understanding* dated 10th October, 2018 (*Annexure- B*) and terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Respondents No.2 & 3 affirm the contents of their affidavits supporting this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, 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. In the facts and circumstances of this case and in view of aforesaid *Memorandum of Understanding* dated 10th October, 2018 (*Annexure- B*), 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 the FIR, now stands cleared between the parties.

6. Accordingly, this petition is allowed subject to cost of ₹10,000/- to be deposited by petitioners with *Prime Minister's Relief Fund* within four weeks from today. Upon placing on record the receipt of cost before this Court as well as trial court, FIR No. 23/2015, under Sections 323/341/308/34 of IPC registered at police station Malviya Nagar, Delhi and the proceedings emanating therefrom shall stand quashed.

7. With the aforesaid directions this petition and application are accordingly disposed of.

DASTI.

DECEMBER 21, 2018

p'ma

**(SUNIL GAUR)
JUDGE**



न्यायमेव जयते