

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

Date of Order: December 21, 2018

+ Crl.M.C. 6625/2018 & Crl.M.A. 50694/2018

SAURABH ARORA & ORS

.....Petitioners

Through: Mr. Varun Mittal and Mr. Anish
Sharma, Advocates

Versus

THE STATE (NCT OF DELHI) & ANR

.....Respondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with
ASI Harish Chander
Respondent No.2 in person with
Ms. Monika Arora and Ms. Amrita
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No. 700/2015, under Sections 406/498-A/34/509 of IPC, registered at Police Station Kirti Nagar, Delhi is sought on the basis of *Settlement* of 14th May, 2018 (*Annexure P-2*) arrived at *Counselling Cell, Tis Hazari Courts, Delhi*.
2. Notice.
3. Mr. M.S. Oberoi, learned Additional Public Prosecutor, accepts notice for respondent No.1-State and Ms. Monika Arora, Advocate, accepts notice on behalf of respondent No.2.
4. Learned Additional Public Prosecutor for respondent–State 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 her counsel as well as by ASI Harish Chander on the basis of identity proof produced by her.

5. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Settlement* of 14th May, 2018 (*Annexure P-2*) and terms thereof have been fully acted upon as today she has received amount of ₹10,00,000/- by way of demand draft bearing No. 481913, dated 7th December, 2018. She submits that divorce by mutual consent has been already granted by the family court on 11th September, 2018. Respondent No.2 affirms the contents of her affidavit filed in support of this petition and submits that the proceedings arising out of the FIR in question be brought to an end.

6. 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.”

7. 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.

8. 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 in the trial court, F.I.R. No. 700/2015, under Sections 406/498-A/34/509 of IPC, registered at police station Kirti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and the application are accordingly disposed of.

DASTI.

DECEMBER 21, 2018

p'ma

**(SUNIL GAUR)
JUDGE**

न्यायमेव जयते