

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

*Date of Order: January 09, 2019*

+ CRL.M.C. 46/2019

MADHUR ASOM & ANR. .... Petitioners  
Through: Mr. Atanu Sakia, Advocate

Versus

STATE & ANR. .... Respondents  
Through: Ms. Neelam Sharma, Additional  
Public Prosecutor for respondent No.1-State  
with SI Manju Chahal  
Respondent No.2 in person

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

**Crl.M.A. 259/2019 (Exemption)**

Allowed, subject to all just exceptions.

**CRL.M.C. 46/2019**

Quashing of FIR No.9/2017, under Sections 498-A/406/34 of IPC, registered at police station Dwarka, New Delhi is sought on the basis of Settlement of 24<sup>th</sup> August, 2017 (*Annexure P-2*) arrived at Family Courts, Dwarka Courts, New Delhi.

Notice.

Ms. Neelam Sharma, 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 Manju Chahal on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Settlement of 24<sup>th</sup> August, 2017 (*Annexure P-2*) and terms thereof have been fully acted upon. She affirms the contents of her affidavit of 17<sup>th</sup> December, 2018 (*Annexure P-6*) filed in support of 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.

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.”*

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.

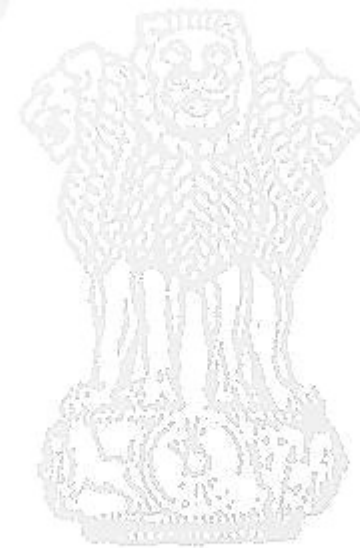
Accordingly, this petition is allowed and FIR No.9/2017, under Sections 498-A/406/34 of IPC, registered at police station Dwarka, New Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

**(SUNIL GAUR)  
JUDGE**

**JANUARY 09, 2019**

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