

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

Date of Order: January 11, 2019

+ CRL.M.C. 98/2019 & CrI.M.A. 441-42/2019

NARINDER PAL SINGH Petitioner
Through: Mr. Anuj Yadav, Advocate

Versus

STATE & ORS. Respondent
Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State with SI Deepak
Mr. Harpreet Singh Popli & Mr. Deepak
Diwan, Advocates with respondents No.2 to 4
in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 391/2018, under Section 420 IPC, registered at police station Janakpuri, New Delhi is sought in this petition on the basis of Family Settlement Deed of 29th October, 2018 (*Annexure P-2*).

Upon notice, Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent No.1-State submits that investigation of this case is complete and the offence committed by petitioner comes within the ambit of Section 420 IPC, which is a compoundable offence but charge-sheet has not been filed. Learned Additional Public Prosecutor for respondent-State further submits that respondents No.2 to 4 are present in

the Court and they have been duly identified by SI Deepak as well as their counsel as the complainant party of the FIR in question.

Respondents No.2 to 4, present in the Court, support this petition on the basis of family Settlement Deed of 29th October, 2018 (*Annexure P-2*) and submit that the misunderstanding between the parties now stands cleared and to restore cordiality amongst parties, who are real brothers, the proceedings arising out of 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.”

In the facts and circumstances of this case and in view of the fact that the misunderstanding between the parties, who are real brothers, now stands cleared, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to cost of ₹50,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within four weeks from today and upon placing on record the receipt of deposit of cost within two weeks thereafter, FIR No. 391/2018, under Section 420 IPC, registered at police station Janakpuri, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition and applications are accordingly disposed of.

Dasti.

JANUARY 11, 2019

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**(SUNIL GAUR)
JUDGE**



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