

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

Date of Order: January 11, 2019

+ CRL.M.C. 6513/2018 & Crl.M.A. 50241/2018

MAHBOOB & ORS.

..... Petitioners

Through: Mr. M.Shah, Advocate

Versus

STATE (GOVT OF NCT OF DELHI) & ORS. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State with SI Balbir
Respondents 2 to 6 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Quashing of FIR No. 134/2012, under Section 323/452/34 IPC, registered at police station Khajuri Khas, Delhi is sought in this petition.

Upon notice, Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 to 6 are present in the Court and they have been duly identified by SI Balbir as the complainant party of the FIR in question.

Respondents No.2 to 6, present in the Court, affirm contents of their affidavits of 11th December, 2018 filed in support of this petition and submit that the incident in question had taken place due to some misunderstanding, which now stands cleared and to restore cordiality amongst parties, who are neighbours, 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, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding between the parties now stands cleared.

Resultantly, FIR No. 134/2012, under Section 323/452/34 IPC, registered at police station Khajuri Khas, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 11, 2019

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