

(2019) 01 DEL CK 0351

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4 Of 2019, Criminal Miscellaneous Application No. 15 Of 2019

Anuj Kumar

APPELLANT

Vs

State Nct Of Delhi & Ors

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 323, 354

Citation : (2019) 01 DEL CK 0351

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ashok Kumar Dalal, Asha Tiwari

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No. 111/2016, under Sections 323/354 IPC, registered at police station Aman Vihar, Delhi is sought on the basis of Compromise Deed of 17th December, 2018 and on ground that the misconception, which led to registration of the FIR now stands cleared between the parties.
2. Upon notice, Ms. Asha Tiwari, 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 SI Sonu Ram on the basis of identity proof produced by her.
3. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Compromise Deed of 17th December, 2018 and the misconception, which led to registration of FIR in question, now stands cleared amongst the parties, who are related to each other and so, 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 Apex 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. Upon hearing, I find that no useful purpose would be served in continuing with the proceedings arising out of FIR in question, as the misunderstanding between the parties now stands cleared between the parties.

6. Accordingly, this petition is allowed subject to cost of Rs. 10,000/- to be deposited by petitioner with the Prime Minister's Relief Fund within four weeks from today. Upon placing on record the receipt of cost within two weeks thereafter, FIR No. 111/2016, under Sections 323/354 IPC, registered at police station Aman Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

7. This petition and application are accordingly disposed of. Dasti.