

(2018) 12 DEL CK 0488

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4370 Of 2017

Ashwani Kumar Tandon & Anr

APPELLANT

Vs

State Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 453, 506

Citation : (2018) 12 DEL CK 0488

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Idresh Ahemad, Izhar Ahmad, Gaurav Chowdhary

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No. 267/2004, under Sections 453/506/34 IPC, registered at police station Ashok Vihar, Delhi is sought on the basis of Mediated Settlement of 2nd November, 2016 arrived at Delhi Mediation Centre, Rohini District Courts, Delhi (Annexure P-5).

2. Notice.

3. Mr. Izhar Ahmad, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Gaurav Chowdhary, Advocate, accepts notice on behalf of respondent No.2.

4. Learned Additional Public Prosecutor for respondent-State submits that son of respondent No.2 is present in the Court, who is complainant/first-informant of the FIR in question and he has been identified to be so by counsel for respondent No. 2 as well as by SI Balwan Singh on the basis of identity proof produced by him.

5. Son of respondent No. 2 is present in Court has handed over Special Power of Attorney given by respondent No. 2 to him whereby he has been authorized to appear in this case.

6. Mr. Raman Kumar Tandon, son of respondent No. 2 present in Court, affirms the contents of the Settlement Agreement of 2nd November, 2016 and he submits that now no dispute remains and so, these proceedings 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."

7. The aforesaid dictum stands reiterated by the Supreme Court in later decision in Narinder Singh v. State of Punjab (2014) 6 SCC 466.

8. Upon hearing, I find that continuance of the proceedings arising out of the FIR in question would be an exercise in futility.

9. Accordingly, subject to cost of `50,000/- to be deposited by petitioner with Prime Minister's National Relief Fund within four weeks from today and on placing on record, the receipt of cost, FIR No. 267/2004, under Sections 453/506/34 IPC, registered at police station Ashok Vihar, Delhi and the proceedings emanating therefrom shall stand quashed.

10. This petition is accordingly disposed of in aforesaid terms.