

(2019) 01 DEL CK 0265

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 65 Of 2019, Criminal Miscellaneous Application No. 335 Of 2019

Deepak & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 10-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 324

Citation : (2019) 01 DEL CK 0265

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Hitesh Chopra, Ashok, Izhar Ahmed, Pradeep Kumar Pathak

Final Decision : Disposed Off

Judgement

Quashing of FIR No.658/2018, under Section 324 IPC, registered at police station Paschim Vihar, Delhi is sought on the basis of Memorandum of Understanding of 8th December, 2018 reached between the parties.

Upon notice, Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent No.1-State and Mr. Pradeep Kumar Pathak, Advocate for respondent No.2, accept notice. Respondent No.2 present in the Court has been duly identified by his counsel as the complainant/first-informant of the FIR in question.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Memorandum of Understanding of 8th December, 2018 and terms thereof, have been fully acted upon. He affirms the contents of Memorandum of Understanding of 8th December, 2018 and of his affidavit of 24th December, 2018 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."

In the facts and circumstances of this case and in view of aforesaid Memorandum of Understanding of 8th December, 2018, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility, as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to cost of Rs. 10,000/- to be deposited by petitioners with Prime Minister's National Relief Fund within four weeks from today and upon placing on record the receipt of deposit of cost with two weeks thereafter, FIR No.658/2018, under Section 324 IPC, registered at police station Paschim Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.