

(2018) 12 DEL CK 0470

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6455 Of 2018, Criminal
Miscellaneous Application No. 50022 Of 2018

Devender Singh & Anr

APPELLANT

Vs

State (Govt Of Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2018) 12 DEL CK 0470

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sundaram, Izhar Ahmed, R.P.Prajapati

Final Decision : Disposed Off

Judgement

1. In this petition, quashing of FIR No.174/2013, under Sections 498-A/406/34 of IPC, registered at police station Civil Lines, Delhi is sought by petitioners.

2. Notice.

3. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. R.P.Prajapati, Advocate, accepts notice on behalf of respondent No.2.

4. 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 her counsel as well as by ASI Amit Kumar.

5. Counsel for petitioners submits that the dispute between the parties is a matrimonial dispute, which has been amicably resolved and the terms of settlement are indicated in the joint statement of 21st August, 2018 of the parties recorded by concerned Family Court.

6. Respondent No.2, present in the Court, submits that the terms of settlement

have been fully acted upon as today, she has received the balance settled amount of Rs.2,00,000/- by way of demand draft bearing No.325509, dated 18th December, 2018, drawn on Axis Bank, Branch Khan Market, New Delhi and that divorce by mutual consent has been already granted by the family court on 25th May, 2018. Respondent No.2 affirms the contents of her affidavit of 14th November, 2018 supporting 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.

7. 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:-

"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."

8. Since the subject matter of this FIR is essentially matrimonial, which now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility. Accordingly, FIR No.174/2013, under Sections 498-A/406/34 of IPC, registered at police station Civil Lines, Delhi and the proceedings emanating therefrom are quashed subject to petitioners depositing cost of `25,000/- with Prime Minister's Relief Fund within four weeks from today. The receipt of deposit of cost be placed on record within two weeks thereafter.

9. With aforesaid directions, this petition and application are accordingly disposed of.