
(2018) 12 DEL CK 0491

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6517 Of 2018

Mangal Mal

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 354, 506

Citation : (2018) 12 DEL CK 0491

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : A.K.Sheoran, M.S.Oberoi, Hem Kumar

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No.731/2014, under Sections 354/506 IPC registered at police station Vasant Vihar, New Delhi is sought on the basis of Memorandum of Understanding of 4th December, 2018

2. Learned Additional Public Prosecutor for respondent-State submits that respondent No.2 is the complainant of the FIR in question and she is present in the Court and she has been identified to be so, by WSI Vinod Kapoor. Complainant submits that Memorandum of Understanding of 4th December, 2018 (Annexure P-5) has been acted upon and affirms the contents of her affidavit supporting this petition and submits that now no dispute with petitioner survives and so, proceedings arising out of FIR in question be brought to an end.

3. 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."

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

5. Upon hearing and on perusal of Status Report filed by Additional Public Prosecutor for respondent-State, I find that continuance of proceedings arising out of FIR in question against petitioner would serve no purpose.

6. In the light of aforesaid, FIR No.731/2014, under Sections 354/506 IPC of IPC, registered at police station Vasant Vihar, New Delhi and proceedings emanating therefrom are quashed, subject to petitioner depositing cost of `20,000/- with Prime Minister's National Relief Fund within four weeks from today. The receipt of deposit of cost be placed on record of this case as well as before the trial court within two weeks thereafter.

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