

(2018) 12 DEL CK 0481

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6583, 6603 Of 2018

Manoj Kumar & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Ors

RESPONDENT

Date of Decision : 21-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 325, 354B, 506, 509

Citation : (2018) 12 DEL CK 0481

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Yogesh Kaushik, Izhar Ahmed, Rahul Sharma

Final Decision : Disposed Off

Judgement

1. In the above captioned first petition, quashing of FIR No.980/2014, whereas in the above captioned second petition, quashing of FIR No.979/2014, both registered at police station Neb Sarai, Delhi is sought. FIR No. 980/2014 has been registered for offences under Sections 354B/323/506/509 IPC and FIR No. 979/2014 has been registered for offences under Sections 325/509/506/354B/34 IPC. Both the FIRs arise out of one incident. Quashing of these FIRs is sought on the ground that the misunderstanding which led to this incident, now stands cleared between the parties in terms of Compromise Deed of 12th October, 2018.

2. With the consent of learned counsel for the parties, both these petitions have been heard together and are being disposed of by this common order.

3. Mr.Izhar Ahmed, Additional Public Prosecutor for respondent-State, accepts notice in FIR No.980/2014. Mr. Rahul Sharma, Advocate, accepts notice on behalf of respondents No. 2 to 7 in FIR No.980/2014 and submits that complainants No.5 & 7 are minor and they are represented through their father, respondent No.2.

4. Ms. Neelam Sharma, Additional Public Prosecutor for respondent-State accepts notice in FIR No.979/2014 and submits that Santosh Devi, complainant of this

FIR, is also present in the Court. Complainants have been identified by their counsel as well as Additional Public Prosecutor for respondent-State on the basis of identify proof produced by them.

5. Complainants of these cross FIRs submit that the misunderstanding, which led to registration of cross FIRs, now stands cleared. They submit that both the sides are neighbours and to restore harmony between the parties, proceedings arising out of these two FIRs be brought to an end.

6. 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:-

"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."

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

8. In view of the fact that the incident in question, which led to lodging of these two FIRs, took place on a trivial issue and the misunderstanding amongst the parties now stands cleared, this Court finds that continuance of proceedings arising out of these cross FIRs would be an exercise in futility.

9. Accordingly, the proceedings arising out of FIR No.980/2014 and FIR No. 979/2014, both registered at police station Neb Sarai, Delhi shall stand quashed, subject to deposit of cost of Rs. 10,000/- each by petitioners in the above captioned two petitions with the Prime Minister's National Relief Fund within four weeks and after placing proof of deposit of cost on record of this case as well as before the trial court within two weeks thereafter.

10. The above captioned two petitions are accordingly disposed of in aforesaid terms.

Dasti.