

(2019) 01 DEL CK 0267

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4911 Of 2018

Mohd. Kafil

APPELLANT

Vs

State Of Delhi & Anr

RESPONDENT

Date of Decision : 10-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2019) 01 DEL CK 0267

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Rajeev Kr. Upadhyay, Zakir Hussain, Izhar Ahmad, Kali Charan

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No. 413/2011, under Sections 498-A/406/34 of IPC r/w Section 4 of Dowry Prohibition Act registered at police station Nand Nagri, Delhi is sought on the basis of Mediated Settlement of 26th April, 2016 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi (Annexure P-4).

2. Notice.

3. Mr. Izhar Ahmad, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Kali Charan, 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 SI Omveer Singh on the basis of identity proof produced by her.

5. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Settlement and terms thereof have been fully acted upon. Respondent No.2 affirms the contents of aforesaid

Settlement and of her affidavit of 28th May, 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.

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:-

"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. 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.

8. Accordingly, this petition is allowed and FIR No. 413/2011, under Sections 498-A/406/34 of IPC r/w Section 4 of Dowry Prohibition Act registered at police station Nand Nagri, Delhi and the proceedings emanating therefrom are quashed.

9. This petition is accordingly disposed of.