

(2018) 12 DEL CK 0374

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6500 Of 2018, Criminal
Miscellaneous Application No. 50212 Of 2018

Sachin @ Sonu

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 19-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 354(D), 506, 509

Citation : (2018) 12 DEL CK 0374

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ramesh Rajmurti, Neelam Sharma

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No. 738/2015, under Sections 354(D)/509/506 IPC, registered at police station Anand Parbat, Delhi is sought on the basis of Memorandum of Understanding of 14th November, 2018 (Annexure-P-3) and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

2. Ms. Neelam Sharma, Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court has been identified to be the complainant of FIR in question by Investigating Officer Vidyakar Pathak on the basis of identity proof produced by her.

3. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Memorandum of Understanding of 14th November, 2018 (Annexure-P-3) and the terms thereof have been fully acted upon and that the misunderstanding which led to the incident in question, now stands cleared between the parties. She affirms the contents of aforesaid Memorandum of Understanding of 14th November, 2018 (Annexure-P-3) and affidavit of 14th November, 2018 filed in support of this

petition and submits that now no dispute with petitioner survives and so, the proceedings arising out of the FIR in question be brought to an end.

4. 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."

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

6. In the facts and circumstances of this case and in view of aforesaid Memorandum of Understanding of 14th November, 2018 (Annexure-P-3), 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 this FIR, now stands cleared between the parties.

7. Accordingly, this petition is allowed and FIR No. 738/2015, under Sections 354(D)/509/506 IPC, registered at police station Anand Parbat, Delhi is quashed.

8. This petition and application are accordingly disposed of.