

**(2018) 12 DEL CK 0494**

**In the Delhi High Court**

**Case No :** Criminal Miscellaneous Case No. 6128 Of 2018

Sh. Amit Jain & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

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**Date of Decision :** 20-12-2018

**Acts Referred:**

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

**Citation :** (2018) 12 DEL CK 0494

**Hon'ble Judges :** Sunil Gaur, J

**Bench :** Single Bench

**Advocate :** Pradeep Kr. Sharma, Bharti Rani, M.S.Oberoi

**Final Decision :** Disposed Off

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## **Judgement**

1. Quashing of FIR No.398/2015, under Sections 498-A/406/34 of IPC, registered at police station Farsh Bazar, Delhi is sought on the basis of Memorandum of Understanding of 5th March, 2018 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi and on the ground that petitioner-husband and respondent No.2-wife are living together happily.

2. Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent-State accepts notice and 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 SI Nitin 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 5th March, 2018 and that she is living together happily with petitioner-husband. Respondent No.2 affirms the contents of aforesaid Memorandum of Understanding of 5th March, 2018 and of her affidavit of 5th October, 2018 supporting this petition and submits that now no dispute with petitioners survives and to restore cordiality between the parties, 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:-

"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."

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. Since the subject matter of this FIR is essentially matrimonial, which now stands mutually settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

7. Accordingly, FIR No.398/2015, under Sections 498-A/406/34 of IPC, registered at police station Farsh Bazar, Delhi and the proceedings emanating therefrom are quashed qua petitioners. However, it is made clear that if the marriage of respondent No.2 with petitioner-husband again runs into rough weather, then this order will not stand in her way to have recourse to law.

8. With aforesaid directions, this petition is accordingly disposed of.