

(2019) 01 DEL CK 0218

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 94 Of 2019, Criminal Miscellaneous Application No. 425 Of 2019

Shanti & Ors

APPELLANT

Vs

State NCT Of Delhi & Anr

RESPONDENT

Date of Decision : 11-01-2019

Acts Referred:

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

Citation : (2019) 01 DEL CK 0218

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Anil Kumar Sharma, M.S. Oberoi, Rajesh Mumar Rao

Final Decision : Disposed Off

Judgement

Quashing of FIR No.747/2001, under Sections 498A/406/34 of IPC, registered at police station Uttam Nagar, New Delhi is sought on the basis of Settlement of 6th March, 2014 arrived at Delhi Mediation Centre (Annexure P-3).

Notice.

Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2 is present in the Court and on the basis of identity proof produced by her, she has been identified to be complainant/first-informant of the FIR inquestion.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Settlement of 6th March, 2014 (Annexure P-3) and terms thereof have been fully acted upon, as today she has received the amount of Rs. 7,00,000/- by way of cheque bearing No.301251, dated 11th January, 2019 drawn on State Bank of India, Branch Nizamuddin, New Delhi. Respondents No.2 affirms the contents of her affidavit of 6th December, 2018 filed in support of this petition and submits that now no dispute

with petitioners survives and subject to encashment of aforesaid cheque, the proceedings arising out of the FIR in question be brought to an end.

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."

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.

Accordingly, petitioners shall place on record of trial court an affidavit of second respondent/ complainant of FIR in question regarding encashment of aforesaid cheque and thereafter, FIR No.747/2001, under Sections 498A/406/34 of IPC, registered at police station Uttam Nagar, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.