
(2018) 12 DEL CK 0476

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 5414 Of 2018, Criminal Miscellaneous Application No. 34881 Of 2018

Shri Sunny Chopra & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

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

Citation : (2018) 12 DEL CK 0476

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : S.U.Mirza, M.P.Singh, Nitin Verma

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No. 1009/2014, under Sections 498A/406/34 of IPC, registered at police station Shakarpur, Delhi is sought by petitioners on the basis of mediated settlement of 16th November, 2017 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi (Annexure P-3).

2. Notice.

3. Mr. M.P.Singh, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Nitin Verma, 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 Sanjay Lal.

5. Counsel for petitioners submits that the dispute between the parties is a matrimonial dispute, which has been amicably resolved in terms of mediated settlement of 16th November, 2017 (Annexure P-3).

6. Respondent No.2, present in the Court, submits that the terms of settlement have been fully acted upon as today, she has received the balance settled amount of Rs. ₹ 2,00,000/- by way of demand draft bearing No.992621, dated 20th October, 2018, drawn on United Bank of India, Branch Laxmi Nagar, Delhi and that divorce by mutual consent has been already granted by the family court on 31st August, 2018. Respondent No.2 affirms the contents of her affidavit of 22nd October, 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.

7. In "Gian Singh Vs. State of Punjab" (2012) 10 SCC 303, Apex 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."

8. 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.

9. This petition is accordingly allowed and FIR No. 1009/2014, under Sections 498A/406/34 of IPC, registered at police station Shakarpur, Delhi and the proceedings emanating therefrom are quashed subject to petitioners depositing cost of Rs.10,000/- with Prime Minister's National Relief Fund within four weeks from today. The receipt of deposit of cost be placed on record within two weeks thereafter.

10. With aforesaid directions, this petition and application are accordingly disposed of.