

(2019) 01 DEL CK 0281

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 58 Of 2019, Criminal Miscellaneous Application No. 284 Of 2019

Tarun Gulati & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 09-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 406, 498A, 506

Citation : (2019) 01 DEL CK 0281

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Rohit K. Nagpal, Izhar Ahmed, Vinay Kumar

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No.139/2013, under Sections 498-A/406/506/323/34 of IPC, registered at police station Geeta Colony, Delhi is sought on the basis of Memorandum of Understanding of 3rd March, 2017 reached between the parties.

2. Notice.

3. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent No.1-State and Mr. Vinay Kumar, Advocate for respondent No.2, accept notice. Respondent No.2 present in the Court has been duly identified by her counsel as the complainant/first-informant of the FIR in question.

4. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Memorandum of Understanding of 3rd March, 2017 and terms thereof have been fully acted upon. She affirms the contents of her affidavit of 17th November, 2018 filed in support of 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.

5. 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."

6. 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.

7. Accordingly, this petition is allowed subject to cost of Rs. 10,000/- to be deposited by petitioners with Prime Minister's National Relief Fund within four weeks from today and upon placing on record the receipt of deposit of cost with two weeks thereafter, FIR No.139/2013, under Sections 498-A/406/506/323/34 of IPC, registered at police station Geeta Colony, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

8. This petition and application are accordingly disposed of.