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(2013) 09 DEL CK 0088

Delhi High Court

Case No: Criminal M.C. 3551 of 2013 and Criminal M.A. No. 12960 of 2013

Vikas and Another — APPELLANT

Vs

State and Another — RESPONDENT

Date of Decision: Sept. 2, 2013

Acts Referred:

- Penal Code, 1860 (IPC) - Section 34, 406, 498A

Hon'ble Judges: Sunil Gaur, J

Bench: Single Bench

Advocate: Robin R. Davi and Ms. Esha Shekhar, for the Appellant; Ravi Nayak, Additional Public Prosecutor for Respondent-State, Rati Ram, SI, Mr. Rajesh Kumar Sharma, Advocate and Respondent No. 2 in Person, for the Respondent

Final Decision: Disposed Off

Judgement

@JUDGMENTTAG-ORDER

Sunil Gaur, J.
In this petition, quashing of FIR No. 81/2011, u/s 498A/406/34 of the IPC registered at P.S. Bara Hindu Rao, Delhi is sought on the basis of Mediated Settlement of 30th November, 2012 (Annexure P-2). Notice.

2. Mr. Ravi Nayak, learned Additional Public Prosecutor for respondent No. 1-State accepts notice and submits that respondent No. 2 is present in the Court and has been identified to be the first-informant of FIR in question by SI Rati Ram on the basis of identity proof furnished by her as well as by her counsel Mr. Rajesh Kumar Singh, Advocate.

3. Respondent No. 2, present in the Court, affirms the contents of Mediated Settlement of 30th November, 2012 (Annexure P-2) and of her affidavit of 27th August, 2013 supporting this petition and submits now no dispute with petitioners survives as the terms of Mediated Settlement of 30th November, 2012 (Annexure P-2) have been fully acted upon

as today, she has received the balance settled amount of Rs. 50,000/- in cash and therefore, she wants that the proceedings arising out of the FIR in question be brought to an end.

4. In Gian Singh Vs. State of Punjab and Another, 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.

5. Since the subject matter of FIR in question is essentially a matrimonial dispute, which stands mutually and amicably settled between the parties, therefore, this Court finds that continuance of the proceedings arising out of the FIR in question would be an exercise in futility.

6. Consequently, FIR No. 81/2011, u/s 498A/406/34 of the IPC registered at P.S. Sara Hindu Rao, Delhi and proceedings emanating therefrom are quashed qua petitioner. This petition and the application are accordingly disposed of.