

Naresh Kumar vs.state & Anr

Naresh Kumar vs.state & Anr

SooperKanoon Citation : sooperkanoon.com/1220195

Court : Delhi

Decided On : Dec-20-2018

Appellant : Naresh Kumar

Respondent : State & Anr

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI CrI.M.C.6548/2018
NARESH KUMAR Date of Order: December 20, 2018

... Petitioner

Through: Ms. Anuradha Yadav and Mr. Karamveer Singh, Advocates versus
STATE & ANRRespondents Through: Mr. Manjeet Singh Oberoi, Additional
Public Prosecutor for State with SI Anil Kumar, PS Neb Sarai. Mr. Deepak Pathak,
Advocate for Respondent No.2 CORAM: HON'BLE MR. JUSTICE SUNIL GAUR1

ORDER

(ORAL) Quashing of FIR No.318/2015, under Section 135 of Indian Electricity Act,
2003 registered at police station Neb Sarai, Delhi is sought in this petition.

2. Quashing of aforesaid FIR is sought on the basis of No Dues Certificate of 2nd
August, 2018 (Annexure C) issued by respondent No.2/complainant/first-informant
of the FIR in question.

3. Notice.

4. Mr. Manjeet Singh Oberoi, Additional Public Prosecutor for respondent-State accepts notice. CrI.M.C. 6548/2018 Page 1 of 3 5. Mr. Deepak Pathak, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved between the parties and No Dues Certificate has been already issued by respondent No.2/complainant/first-informant of the FIR in question and so, the proceedings arising out of the FIR in question be brought to an end. In Gian Singh Vs State of Punjab (2012) 10 SCC303 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 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 and FIR No 318/2015, under Section 135 of Indian Electricity Act, 2003 registered at police station CrI.M.C. 6548/2018 Page 2 of 3 Neb Sarai, Delhi and the proceedings emanating therefrom are quashed. This petition is accordingly disposed of. DECEMBER20 2018 pma (SUNIL GAUR) JUDGE CrI.M.C. 6548/2018 Page 3 of 3

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com