

Suresh & Anr. Vs.state (Nct of Delhi) & Anr

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SooperKanoon Citation : sooperkanoon.com/1220205

Court : Delhi

Decided On : Dec-20-2018

Appellant : Suresh & Anr.

Respondent : State (Nct of Delhi) & Anr

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI CRL.M.C. 6164/2018
SURESH & ANR. Date of Order: December 20, 2018Petitioners Through: Mr.
Gaurav Sharma, Advocate versus STATE (NCT OF DELHI) & ANR
.....Respondents Through: Mr. Izhar Ahmed, Additional Public Prosecutor for
respondent-State with ASI Ram Kishan

... RESPONDENTS

No.2 & 3 in person with Mr. Shubham Gupta, Advocate CORAM: HON'BLE MR.
JUSTICE SUNIL GAUR1 Quashing of

ORDER

(ORAL) FIR No.2442/2015, under Sections 509/354(B)/506/34/354 IPC, registered
at police station Mehrauli, New Delhi is sought on the ground that the
misunderstanding which led to this incident has been now cleared.

2. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State
accepts notice and submits that respondents No.2 & 3, present in the Court have
been identified to be the complainant party of FIR in question by ASI Ram Kishan

on the basis of identity proof produced by them.

3.

... RESPONDENTS

No.2 & 3, present in the Court, submit that the CRL.M.C. 6164/2018 Page 1 of 3 misunderstanding, which led to the incident in question, now stands cleared between the parties. They affirm the contents of their affidavits filed in support of this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are landlord and tenants, the proceedings arising out of the FIR in question be brought to an end.

4. 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:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings. 5. The aforesaid dictum stands reiterated by the Supreme Court in later decision in *Narinder Singh v. State of Punjab* (2014) 6 SCC466 6. In the facts and circumstances of this case, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of this FIR, now stands cleared between the parties.

7. Accordingly, FIR No.2442/2015, under Sections 509/354(B)/506/34/354 IPC, registered at police station Mehrauli, New CRL.M.C. 6164/2018 Page 2 of 3 Delhi and proceedings emanating therefrom are hereby quashed.

8. This petition is accordingly disposed of. (SUNIL GAUR) JUDGE DECEMBER 20 2018 v CRL.M.C. 6164/2018 Page 3 of 3

