

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**SUBJECT : INDIAN PENAL CODE**

Date of hearing and order: December 05, 2008

CrI. M.C. No. 2342/2008

Sh. Alok Kumar and Ors. ... Petitioners  
Through: Mr. Prakash Arya, Advocate

versus

The State and Anr. ... Respondents  
Through: Mr. R.N. Vats, Additional Public Prosecutor for State.

SUNIL GAUR, J. (Oral)

1. Quashing of FIR No. 480/2005 under Section 341/506 of the IPC is sought on the basis of the order dated 17th June 2005 (Annexure P-1) of the learned Additional Sessions Judge, Delhi.
2. A bare perusal of the certified copy of the aforesaid order reveals that Shri Surat Singh Rao, Complainant/First informant of this case had submitted before the Court concerned that the root cause between the parties has vanished and he will withdraw his complaint by making appropriate application to the DCP (North- west). A copy of the said application dated 17th June, 2005 is on record as Annexure P-5. Complainant/First informant has stated in that application that he does not want any action and does not want to pursue the matter and the case against the present petitioners be closed.
3. Despite the order dated 17th June, 2005 of the learned Additional Sessions Judge, Delhi, Final Cancellation Report on the basis of the compromise arrived at between the parties, as reflected in the aforesaid order, has not been filed. No explanation for not complying with the

aforesaid order of the learned Additional Sessions Judge is forthcoming. This petition is pending in this Court since July, 2008, simply because of the inaction on the part of the Investigating Officer of this case. This matter cannot be kept pending as the factum of the compromise already stands recorded in the certified copy of the order dated 17th June, 2005.

4. Apex Court in case of Madan Mohan Abbot V. State of Punjab (2008) 4 Supreme Court Cases 582 observed as under :- “We need to emphasis that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

5. I am of the considered opinion that no fruitful purpose would be served by keeping the FIR in question pending as its subject matter stands already compromised between the parties. Consequently, FIR No. 480/2005 under Section 341/506 of the IPC registered at PS Shalimar Bagh, New Delhi and proceedings emanating therefrom stand quashed.

6. This petition as well as pending applications, if any, stand disposed of.

Sd/-  
Sunil Gaur, J.