

(2019) 08 DEL CK 0164

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4081 Of 2019, Criminal
Miscellaneous Application No. 33816 Of 2019

Ajay Kumar Tiwari & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 21-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 08 DEL CK 0164

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Richa Dhawan, Izhar Ahmad

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 279/2018, under Section 498-A/406/34 of IPC, registered Police Station Bhalswa Dairy (North West), Delhi is sought on the basis of Mediated Settlement of 4th February, 2019 reached between the parties and affidavit of 22nd July, 2019 of respondent No. 2.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court is the complainant/first informant of FIR in question and she has been identified to be so, by ASI Ram Kishan on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Mediated Settlement of 4th February, 2019 and terms thereof have been fully acted upon. Respondent No. 2 affirms the contents of her affidavit of 22nd July, 2019 supporting 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.

Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal proceedings, which are as under:-

"16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice."

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.

Consequently, FIR No. 279/2018, under Section 498-A/406/34 of IPC, registered Police Station Bhalswa Dairy (North West), Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.