

(2019) 03 DEL CK 0103

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1331 Of 2019

Ajay Sharma & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 12-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 354, 406, 498A, 506
Code of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0103

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : S.R. Parashar, Anand Parashar, Izhar Ahmad, Ajay Kumar Gaur

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 200/2012, under Sections 498-A/406/354/506/34 of IPC, registered at police station Nihal Vihar, Delhi is sought on the basis of Mediated Settlement of 30th August, 2017 reached between the parties.

Learned counsel for respondent No. 2 submits that respondent No. 2 is unable to come due to unavoidable circumstances but she has instructed him to accept payment and make statement on her behalf before the Court.

Learned counsel for respondent No. 2 submits that terms of aforesaid Mediated Settlement of 30th August, 2017 have been fully acted upon, as today demand draft of Rs. 1,50,000/- bearing No. 095798 dated 2nd January, 2019 has been given by petitioners to hand it over to second respondent/complainant. Learned counsel for respondent No. 2 submits that affidavit of 13th December, 2018 of respondent No. 2 has been filed in support of this petition. Counsel for respondent No. 2 on instructions submits that no dispute of complainant 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 complaint, 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.

Accordingly, FIR No. 200/2012, under Sections 498-A/406/354/506/34 of IPC, registered at police station Nihal Vihar, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition is accordingly disposed of.

Dasti.