

**(2019) 05 DEL CK 0443**

**In the Delhi High Court**

**Case No :** Criminal Miscellaneous Case No. 2482 Of 2019, Criminal  
Miscellaneous Application No. 9824, 9825 Of 2019

Babita & Anr

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision :** 07-05-2019

**Acts Referred:**

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

**Citation :** (2019) 05 DEL CK 0443

**Hon'ble Judges :** Sunil Gaur, J

**Bench :** Single Bench

**Advocate :** Radha Parihar, Dr. M.S.Oberoi

**Final Decision :** Disposed Off

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## **Judgement**

Quashing of FIR No. 291/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Karawal Nagar, Delhi, is sought on the basis of

affidavit of 29th April, 2019 of respondent No. 2.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 Suman Kumar 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 as today, she has received an amount

of Rs. 1,50,000/- by way of demand draft bearing No. 614081, dated 6th May, 2019, drawn on Punjab & Sind Bank, Branch Defence Colony, New

Delhi and that divorce by mutual consent has been already granted by the family

court on 23rd August, 2018. Respondent No.2 affirms the contents of her affidavit of 29th April, 2019 and submits that now no dispute with petitioner 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 64 1has 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;â??

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. 291/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Karawal Nagar, Delhi, and the proceedings

emanating therefrom are hereby quashed qua petitioners.

This petition and applications are accordingly disposed of.