

(2019) 07 DEL CK 0225

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3301 Of 2019

Dinesh Kumar Dabi & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

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

Citation : (2019) 07 DEL CK 0225

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : R.P. Tiwari, Izhar Ahmad, Vijay Datt Gahtori

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 40/2017, under Sections 406/468-A/34 of IPC registered at Police Station Sadar Bazar, Delhi is sought on the basis of Mediated

Settlement of 25th February, 2019 (Annexure P-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 Rajbir Singh 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

25th February, 2019 and terms thereof have been fully acted upon and that she is living together happily with petitioner-husband since last three

months. She affirms the contents of her affidavit of 25th May, 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 64 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.

Consequently, this petition is allowed subject to costs of Rs. 10,000/- to be deposited by petitioners with Prime Minister's National Relief Fund

within a week from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating

Officer, FIR No. 40/2017, under Sections 406/468-A/34 of IPC registered at Police Station Sadar Bazar, Delhi and the proceedings emanating

therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.