

(2019) 08 DEL CK 0053

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3883 Of 2019, Criminal Miscellaneous Application No. 32956 Of 2019

Ishak & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Ors

RESPONDENT

Date of Decision : 06-08-2019

Acts Referred:

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

Citation : (2019) 08 DEL CK 0053

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Vikas Jain, Izhar Ahmad, Jitendra, Anis Ahmad

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 15/2013, under Section 498-A/406/34 of IPC, registered Police Station Jaitpur, Delhi is sought on the basis of Mediated Settlement of 3rd November, 2017 and affidavit of respondent No. 2 of 6th August, 2019.

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 SI Shamesher 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 3rd November, 2017 and terms thereof have been fully acted upon. Respondent No. 2 affirms the contents of her affidavit of 6th August, 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. 15/2013, under Section 498-A/406/34 of IPC, registered Police Station Jaitpur, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.