
(2019) 02 DEL CK 0424

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1170 Of 2019

Mahender Singh & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 28-02-2019

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2019) 02 DEL CK 0424

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ranvir Singh, Neelam Sharma, M.D.Farman

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 315/2018, under Sections 3 & 4 of Dowry Prohibition Act, 1961 registered at police station Shakarpur, Delhi is sought on the basis of mediated settlement of 13th December, 2018 (Annexure- P-2) reached between the parties.

Upon notice, learned Additional Public Prosecutor for respondent- State submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so, by SI Rahul 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 vide mediated settlement of 13th December, 2018 (Annexure- P-2) and terms thereof have been fully acted upon. Respondent No.2 affirms the contents of aforesaid mediated settlement of 13th December, 2018 (Annexure- P-2) and of her affidavit of 23rd February, 2019 filed in support of 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 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, this petition is allowed subject to costs of Rs. 25,000/- to be deposited by petitioners with Prime Minister's National Relief Fund within one 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. 315/2018, under Sections 3 & 4 of Dowry Prohibition Act, 1961 registered at police station Shakarpur, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition is accordingly disposed of.

Dasti.