

(2019) 05 DEL CK 0536

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2443 Of 2019, Criminal
Miscellaneous Application No. 9667 Of 2019

Mohd. Arif & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 06-05-2019

Acts Referred:

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

Citation : (2019) 05 DEL CK 0536

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Aditya Gaur, M.P. Singh, Shoaib Ahmad

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

Quashing of FIR No. 103/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Moti Nagar, Delhi is sought on the basis of settlement of 4th August, 2018 reached between the parties.

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 Rajesh 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. 19,000/- by cash and Rs. 81,000/- by way of demand draft bearing No. 178705 dated 4th May, 2019 drawn on Central Bank of India, Branch Bhogal, Delhi. She affirms the contents of her affidavit of 16th April, 2019 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.

Accordingly, FIR No. 103/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Moti Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.