

(2019) 07 DEL CK 0577

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3408 Of 2019, Criminal
Miscellaneous Application No. 3178 Of 2019

Mohd. Mustkeem & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 17-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 07 DEL CK 0577

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Salim Malik, Neelam Sharma, Arvind Nagar

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

Quashing of FIR No. 344/2010, under Sections 498A/406/34 of IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Gokul Puri, Delhi is sought on the basis of mediated settlement of 30th May, 2019.

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 SI Ashish 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 in terms of mediated settlement of 30th May, 2019 and in terms thereof, today she has received Rs. 1,50,000/- by way of demand draft No.016260, dated 16th July, 2019, drawn on HDFC Bank, Branch Kondli, Delhi from petitioners. Respondent No.2 affirms the contents of her affidavit of 9th July, 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.

Accordingly, FIR No. 344/2010, under Sections 498A/406/34 of IPC and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Gokul Puri, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.