
(2019) 05 DEL CK 0577

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2325 Of 2019, Criminal
Miscellaneous Application No. 9269 Of 2019

Mohit Kumar Garg & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 01-05-2019

Acts Referred:

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

Citation : (2019) 05 DEL CK 0577

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Varun Aggarwal, Izhar Ahmed, P.C.Gupta

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

CrI.M.A. 9269/2019

Allowed subject to all just exceptions.

CRL.M.C. 2325/2019

Quashing of FIR No.148/2018, under Sections 406/498-A/34 of IPC, registered at Police Station Kotwali, Delhi is sought on the basis of affidavit of 22nd April, 2019 of respondent No.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 SI Sri Chand 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 amount Rs. 6,00,000/- by way of demand draft bearing No. 013131 dated 29th March, 2019,

drawn on State Bank of India, MCB Lawrence Road, Delhi from petitioners. She affirms the contents of her affidavit of 22nd 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, 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, of FIR No.148/2018, under Sections 406/498-A/34 of IPC, registered at Police Station Kotwali, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.