
(2019) 02 DEL CK 0422

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1181 Of 2019

Mukesh & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 28-02-2019

Acts Referred:

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

Citation : (2019) 02 DEL CK 0422

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Nikhil Rastogi, Vinod Nagpal, Izhar Ahmed

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 233/2013, under Sections 498-A/406/34 of IPC, registered at police station Delhi Cantt., Delhi is sought on the basis of Affidavit of 15th February, 2019 of respondent No. 2.

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 Rajinder Pal 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 and she is happily living with petitioner-husband for last two years. Respondent No.2 affirms the contents of her aforesaid Affidavit of 15th February, 2019 supporting this petition and submits that to restore cordiality between the parties, 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, FIR No. 233/2013, under Sections 498-A/406/34 of IPC, registered at police station Delhi Cantt., Delhi and the proceedings emanating therefrom are hereby quashed with the rider that this order will not stand in the way of respondent No. 2, in case her marriage with petitioner-husband runs into rough weather again.

This petition is accordingly disposed of.