
(2019) 05 DEL CK 0222

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2813 Of 2019, Criminal
Miscellaneous Application No. 11337 Of 2019

Nitin Yadav & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 24-05-2019

Acts Referred:

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

Citation : (2019) 05 DEL CK 0222

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Fauzi Sayeed, M.S. Oberoi

Final Decision : Disposed Off

Judgement

Quashing of FIR No.447/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Chhawala (South West District), Delhi is sought on the basis of Settlement of 15th May, 2018 and affidavit of 17th May, 2019 of second respondent.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No.2, present in the Court, is the complainant of FIR in question and she has been identified to be so, by ASI Rajbir Singh 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 aforesaid Settlement of 15th May, 2018 and terms thereof have been fully acted upon. She affirms the contents of her aforesaid affidavit of 17th May, 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, 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, FIR No.447/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Chhawala (South West District), Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.