
(2019) 07 DEL CK 0316

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3480 Of 2019, Criminal
Miscellaneous Application No. 31518 Of 2019

Praveen & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 22-07-2019

Acts Referred:

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

Citation : (2019) 07 DEL CK 0316

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ajay Kumar, Sanjay Kumar, Rajat Katyal

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 97/2015, under Sections 498A/406/34 of IPC, registered at Police Station Nanakpura, Delhi is sought on the basis of mediated

settlement of 5th September, 2018 and affidavit of 2nd 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/first-informant of FIR in question and she has been identified to be so, by ASI Ranvir 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 in terms of mediated settlement of 5th

September, 2018 and in terms thereof, today she has received amount of Rs. 85,000/- by way of two fixed deposit in the form of Kisan Vikas Patra,

bearing Nos.4294709892 and 4294746538, dated 11th February, 2019, drawn on Post Office District Court South West, New Delhi from petitioners.

Respondent No.2 affirms the contents of her affidavit of 2nd 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 64 1has 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. 97/2015, under Sections 498A/406/34 of IPC, registered at Police Station Nanakpura, Delhi and the proceedings emanating

therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.