

**(2019) 02 DEL CK 0539**

**In the Delhi High Court**

**Case No :** Criminal Miscellaneous Case No. 1016 Of 2019, Criminal  
Miscellaneous Application No. 4045 Of 2019

Sandeep Kumar & Ors

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

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**Date of Decision :** 22-02-2019

**Acts Referred:**

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

**Citation :** (2019) 02 DEL CK 0539

**Hon'ble Judges :** Sunil Gaur, J

**Bench :** Single Bench

**Advocate :** C.S. Rathour, Ranjana Singh, Anjali, Izhar Ahmad

**Final Decision :** Disposed Off

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## **Judgement**

CRL.M.A. 4046/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1016/2019 & CRL.M.A. 4045/2019

Quashing of FIR No.190/2015, under Sections 498-A/406/34 of IPC & Section 4 of Dowry Prohibition Act, registered at police station Khajuri Khas, Delhi is sought on the basis of Affidavit of 11th 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 K.P.Singh on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that she is happily living with petitioner-husband for last three and half years. Respondent No.2 affirms the contents of her aforesaid Affidavit of 11th February, 2019 supporting this petition

and submits that she is happily living with petitioner-husband and 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; and

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.190/2015, under Sections 498-A/406/34 of IPC & Section 4 of Dowry Prohibition Act, registered at police station Khajuri Khas, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners 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.

Dasti.