

(2019) 04 DEL CK 0317

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1927 Of 2019

Sukhvinder Singh & Ors

APPELLANT

Vs

State Of Delhi & Anr

RESPONDENT

Date of Decision : 10-04-2019

Acts Referred:

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

Citation : (2019) 04 DEL CK 0317

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Santosh Singh Bagga, Izhar Ahmad, N.K. Aggarwal

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

CRL.M.A.7645/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1927/2019

Quashing of FIR No.408/2013, under Sections 498-A/406/34 of IPC, registered at police station Hari Nagar, Delhi is sought on the basis of 'Memorandum of Understanding' of 23rd April, 2014.

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 Surinder Dutt 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 an amount Rs. 2,50,000/- by way of demand draft bearing no. 066699 dated 5th April, 2019

drawn on State Bank of India, Y.S.Model School Branch, Delhi from petitioners. She affirms the contents of her affidavit of 16th February, 2019 supporting this petition and submits that now no dispute survives, provided the share of property as referred in Clause 6 of the 'Memorandum of Understanding' is demarcated within three months.

Learned counsel for petitioner submits that needful will be done within the stipulated time.

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.408/2013, under Sections 498-A/406/34 of IPC, registered at police station Hari Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of, with a rider that if petitioner-husband defaults in complying with aforesaid 'Memorandum of Understanding', then the respondent-complainant shall be at liberty to get this order revoked.

DASTI.