
(2019) 05 DEL CK 0316

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2669 Of 2019

Tarun And Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 17-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Code Of Criminal Procedure, 1973 — Section 428

Citation : (2019) 05 DEL CK 0316

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : S.D. Pushkar, Izhar Ahmad

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 41/2017, under Sections 498-A/406//34 of IPC, registered at Police Station Kirti Nagar, New Delhi is sought on the basis of

settlement of 24th October, 2017 reached between the parties.

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 SI Suresh Chand 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 24th

October, 2017 and terms thereof have been fully acted upon and that she is living together happily with petitioner-husband since November, 2018. She

affirms the contents of her affidavit of 13th May, 2019 supporting this petition and submits that now no dispute with petitioners survives 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 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. 41/2017, under Sections 498-A/406//34 of IPC, registered at Police Station Kirti Nagar, New Delhi and the proceedings

emanating therefrom are hereby quashed qua petitioners. However, it is made clear that if the marriage of respondent No.2 with petitioner-husband

again runs into rough weather, then this order will not stand in her way to have recourse to law.

This petition is accordingly disposed of.

Dasti.