
(2019) 05 DEL CK 0194

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2909 Of 2019

Umesh Kumar Arora & Anr

APPELLANT

Vs

State Of NCT Of Delhi & Anr

RESPONDENT

Date of Decision : 28-05-2019

Acts Referred:

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

Citation : (2019) 05 DEL CK 0194

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Gaurav Gupta, Jaspal Singh, Neelam Sharma, Sunil Kumar

Final Decision : Disposed Off

Judgement

CrI. M.A.11736-37/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Applications are disposed of.

CRL.M.C. 2909/2019 & CrI. M.A.11735/2019

Quashing of FIR No.203/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Kirti Nagar, Delhi, is sought on the basis of Mediated Settlement of 16th March, 2019 (Annexure-P-3) and affidavit of respondent No.2 of 23rd May, 2019.

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 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 as per Mediated Settlement dated 16th

March, 2019 and 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 petitioner with Prime Minister's National Relief Fund within two weeks 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.203/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Kirti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.