

(2019) 03 DEL CK 0100

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1336 Of 2019

Yogesh Gupta & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 12-03-2019

Acts Referred:

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

Citation : (2019) 03 DEL CK 0100

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : S.R. Parashar, Anand Parashar, Izhar Ahmad, G.B. Sewak

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 210/2017, under Sections 498-A/406/34 of IPC, registered at police station Shakarpur, Delhi is sought on the basis of Mediated Settlement of 9th April, 2018 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 ASI Anand Kumar 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 of Rs. 1,50,000/-by way of demand draft bearing No. 258351, dated 4th February, 2019 drawn on Union Bank, Chawri Bazar Branch, New Delhi from petitioners. She affirms the contents of her affidavit of 16th January, 2019 filed in support of this petition and submits that now no dispute with petitioner survives and so, the proceedings arising out of the FIR in question be brought to an end.

Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinbhai 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;"

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 receipt of cost, FIR No. 210/2017, under Sections 498-A/406/34 of IPC, registered at police station Shakarpur, Delhi shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.