

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: February 22, 2019

+ CRL.M.C. 1000/2019 and CRL.M.As. 3994-3995/2019

NAVY CHARLIE Petitioner

Through: Mr. Gulshan Jahan, Advocate.

Versus

STATE & ANR. Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Hemant
Ms. Anitha, Advocate with
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 888/2014, under Sections 498-A/406 of IPC registered at police station Vasant Kunj North, New Delhi is sought on the basis of *Mediated Settlement* of 31st July, 2018 reached between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-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 Hemant 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 *Mediated Settlement* of 31st July, 2018 and terms thereof have been fully acted

upon. Respondent No.2 affirms the contents of her affidavit of 18th February, 2019 supporting this petition and submits that she is happily living with petitioner since July, 2018 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 complaint, which are as under:-

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;

Since the subject matter of this FIR is essentially matrimonial, which now stands mutually and amicably settled between the parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 888/2014, under Sections 498-A/406 of IPC registered at police station Vasant Kunj North, New Delhi and the proceedings emanating therefrom stand quashed *qua* petitioner. 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 and applications are accordingly disposed of.

Dasti.

FEBRUARY 22, 2019

p'ma

**(SUNIL GAUR)
JUDGE**



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