

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

Date of Order: February 22, 2019

+ **CRL.M.C. 1016/2019 & CRL.M.A. 4045/2019**

SANDEEP KUMAR & ORS

.....Petitioners

Through: Mr. C.S. Rathour, Mr. Ranjana
Singh and Ms. Anjali, Advocates

Versus

THE STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI K.P. Singh
Respondent No. 2 in person

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
(ORAL)

CRL.M.A. 4046/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1016/2019 & CRL.M.A. 4045/2019

Quashing of FIR No.190/2015, under Sections 498-A/406/34 of IPC & Section 4 of *Dowry Prohibition Act*, registered at police station Khajuri Khas, Delhi is sought on the basis of Affidavit of 11th February,

2019 of respondent No. 2.

Upon notice, learned Additional Public Prosecutor for respondent—State submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so by SI K.P.Singh on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that she is happily living with petitioner-husband for last three and half years. Respondent No.2 affirms the contents of her aforesaid Affidavit of 11th February, 2019 supporting this petition and submits that she is happily living with petitioner-husband 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 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; and

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.190/2015, under Sections 498-A/406/34 of IPC & Section 4 of *Dowry Prohibition Act*, registered at police station Khajuri Khas, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners with the rider that this order will not stand in the way of respondent No. 2, incase her marriage with petitioner-husband runs into rough weather again.

This petition is accordingly disposed of.

Dasti.

FEBRUARY 22, 2019

v

**(SUNIL GAUR)
JUDGE**