

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

Date of Order: February 25, 2019

+ CRL.M.C. 1073/2019 & CrI.M.A. 4261/2019

RAJESH NAYYAR

..... Petitioner

Through: Mr. Anil Kumar Thakur,
Advocate

Versus

THE STATE & ANR.

..... Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with ASI Praveen Kumar
Mr. Anil Kumar Thakur, Advocate
with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 414/2011, under Sections 498-A/406/34 of IPC, registered at police station Hari Nagar, Delhi is sought on the basis of Affidavit of 21st 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 ASI Praveen 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 and she is happily living with petitioner-husband for last two years. Respondent No.2 affirms the contents of her aforesaid Affidavit of 21st 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;”

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 ₹10,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund*

within one week 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. 414/2011, under Sections 498-A/406/34 of IPC, registered at police station Hari Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner 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.

**(SUNIL GAUR)
JUDGE**

FEBRUARY 25, 2019

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