

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

Date of Order: February 25, 2019

+ CRL.M.C. 1068/2019

ATUL ASWAL & ORS.

..... Petitioners

Through: Mr. Nikhil Karwal & Ms. Ankita
Gandhi, Advocates

Versus

STATE & ANR.

..... Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-
State with ASI Yashpal Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.74/2014, under Sections 498A/406/34 IPC, registered at Crime Against Women Cell, Nanakpura, New Delhi is sought on the basis of mediated settlement of 13th October, 2016 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 ASI Yashpal Singh 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 13th October, 2016 and terms thereof have been fully acted upon. Respondent No.2 affirms the contents of aforesaid mediated settlement of 13th October, 2016 and her affidavit of 18th February, 2019 supporting this petition and submits 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 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, this petition is allowed, subject to costs of ₹10,000/- to be deposited by petitioners 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.74/2014, under Sections 498A/406/34 IPC, registered at Crime Against Women Cell, Nanakpura, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition is accordingly disposed of.

Dasti.

FEBRAURY 25, 2019

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**(SUNIL GAUR)
JUDGE**

भारतमेव जयते