

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

Date of Order: February 25, 2019

+ **CRL.M.C. 1049/2019**

MOHIT SINGH & ORS

.....Petitioners

Through: Mr. Amit Kr. Gahlot, Advocate

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.M.S. Oberoi, Additional Public
Prosecutor with SI Rahul Kumar
Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.4207/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1049/2019

Quashing of FIR No. 702/2016, under Sections 498-A/406/34 of IPC, registered at police station Shakarpur, Delhi is sought on the basis of Mediated Settlement of 9th February, 2018.

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 Rahul 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*. Respondent No.2 affirms the contents of the aforesaid Mediated Settlement of 9th February, 2018 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 petitioners 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. 702/2016, under Sections 498-A/406/34 of IPC, registered at police station Shakarpur, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners. 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 is accordingly disposed of.

Dasti.

FEBRUARY 25, 2019

v

**(SUNIL GAUR)
JUDGE**