

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

Date of Order: February 26, 2019

+ CRL.M.C. 1088/2019

MANISH PRATAP

..... Petitioner

Through: Mr. I.V.Raghav & Mr. S.S.
Raghav, Advocates

Versus

STATE & ORS.

..... Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with ASI Praveen Kumar
Mr. R.A. Sharma, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 208/2014, under Sections 498-A/406/34 of IPC, registered at police station Ghazipur, Delhi is sought on the basis of mediated settlement of 10th September, 2018 (*Annexure-C*) reached between the parties.

Mr. M.S.Oberoi, Additional Public Prosecutor for respondent No.1-State, accepts notice.

Mr. Ramavtar Sharma, Advocate, accepts notice on behalf of second respondent and submits that respondent No.2 is the complainant/first informant of FIR in question and she is unable to appear before this Court today due to personal difficulty and she has instructed him to state that mediated settlement of 10th September, 2018 (*Annexure-C*) has been fully acted upon and submits that her affidavit of 4th

February, 2019 supporting this petition is also on record. Learned counsel for second respondent further submits that second respondent has instructed him to state that now no dispute with petitioner 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, FIR No. 208/2014, under Sections 498-A/406/34 of IPC, registered at police station Ghazipur, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 26, 2019

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