

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

*Date of Order: March 06, 2019*

+ CRL.M.C. 1233/2019 and CRL.M.A. 4822-4823/2019  
ASHWANI DAGGAR ..... Petitioner

Through: Mr. Varun Singh, Mr. Raj Pareek,  
Mr. Mohit Kumar Gupta and Mr.  
Abhitosh Pratap Singh, Advocates

Versus

STATE & ANR. ....Respondents

Through: Mr. M.P. Singh, Additional Public  
Prosecutor for State with SI  
Davender  
Respondent No. 2 in person.

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

**ORDER**  
**(ORAL)**

Quashing of FIR No. 42/2013, under Sections 498-A/406/34 of IPC, registered at police station Chhawala, Delhi is sought on the basis of *Mediated Settlement* of 7<sup>th</sup> September, 2017 (*Annexure-B*) reached between the parties.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 SI Davender 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, as today she has received an amount of ₹5,00,000/- by way of demand draft bearing No. 867535, dated 4<sup>th</sup> February, 2019, drawn on Punjab National Bank, Dwarka Morh, Branch, New Delhi from petitioner. She affirms the contents of her affidavit of 4<sup>th</sup> October, 2018 filed in support of this petition and submits 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 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 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. 42/2013, under Sections 498-A/406/34 of *IPC*, registered at police station Chhawala, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and applications are accordingly disposed of.

*Dasti.*

**(SUNIL GAUR)**  
**JUDGE**

**MARCH 06, 2019**

*p'ma*



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