

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

Date of Order: March 06, 2019

+ CRL.M.C. 1254/2019 and CRL.M.A. 4893/2019

SALAUDIN SAIFI & ORS

.....Petitioners

Through: Mr. Sumit Arora, Advocate

Versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Satish Kumar
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Quashing of FIR No. 74/2015, under Sections 498-A/406/34 *IPC* registered at police station CWC Nanakpura, New Delhi is sought on the basis of *joint statement* of 31st August, 2017 made by the parties before the Court below.

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 Satish 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 vide aforesaid *joint*

statement and terms thereof have been fully acted upon. Respondent No.2 affirms the contents of her affidavit of 20th February, 2019 (*Annexure-D*) filed in support of 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 parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 74/2015, under Sections 498-A/406/34 *IPC* registered at police station CWC Nanakpura, New Delhi and the proceedings emanating are hereby quashed. 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 and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

March 06, 2019
p'ma

