

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

Date of Order: March 07, 2019

+ **CRL.M.C. 1262/2019**

PRAVEZ & ANR

.....Petitioners

Through: Mr. Piyush Chhabra, Mr. Priyankar
Tiwary and Mr. Saurabh Mishra,
Advocates

versus

STATE (GNCT OF DELHI) & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Prabhakaran
Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 4955/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1262/2019

Quashing of FIR No. 17/2013, under Sections 498-A/406/34 of IPC, registered at police station Dabri, Delhi is sought on the basis of Memorandum of Understanding of 15th December, 2018 reached between the parties.

Mr. Izhar Ahmad, learned Additional Public Prosecutor for respondent-State accepts notice.

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 ₹1,25,000/-by way of demand draft bearing No. 110225, dated 29th January, 2019 drawn on Corporation Bank, Kabir Nagar, Shadra, New Delhi from petitioners. She affirms the contents of her affidavit of 29th January, 2019 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. 17/2013, under Sections 498-A/406/34 of IPC, registered at police station Dabri, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition is accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 07, 2019

v

