

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

Date of Order: March 08, 2019

+ **CRL.M.C. 1272/2019 & Crl.M.A. 5044/2019**

NANCY AGGARWAL Petitioner

Through: Mr. Tarun Diwan, Advocate.

Versus

THE STATE & ANR. Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with SI Sandeep Kumar
Mr. Manish Tandon, Advocate
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 1249/2014, under Sections 497/498/506 IPC, registered at police station Vasant Kunj, New Delhi is sought on the basis of *Mediated Settlement* of 12th March, 2018 reached between the parties.

Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and he has been identified to be so, by SI Sandeep Kumar on the basis of identity proof produced by him.

Respondent No.2, present in the Court, affirms the contents of

Mediated Settlement of 12th March, 2018 and his Affidavit of 6th March, 2019 supporting this petition and submits that 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 misunderstanding between the parties, who are wife and husband, now stands cleared, 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 second respondent/complainant with *Prime Minister's National Relief Fund* within two weeks from today and within a week thereafter, the proof of deposit of costs be placed on record and its copy be handed over to the Investigating Officer. Consequentially, FIR No. 1249/2014, under Sections 497/498/506 IPC, registered at police station

Vasant Kunj, New Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 08, 2019

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