

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

Date of Order: March 08, 2019

+ **CRL.M.C. 1296/2019 & Crl.M.A. 5142/2019**

SATBIR SINGH

..... Petitioner

Through: Mr. Junais Padalath & Mr.Prashant
Kulambhi, Advocates.

Versus

STATE & ANR.

..... Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with ASI Kamal Singh
Mr. Jugendra, respondent No.2 &
prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 99/2018, under Section 363 IPC, registered at police station Kapashera, Delhi is sought on the basis of Affidavit of 5th March, 2019 of respondent No.2 and on the ground that misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, who is the first-informant/ complainant of FIR in question and prosecutrix, who is daughter of second respondent and wife of petitioner, are present in the Court and they have been identified to be so, by ASI Kamal Singh on the

basis of identity proof produced by them.

Prosecutrix, who is wife of petitioner and daughter of second respondent, submits that she had gone with petitioner of her own sweet will and married him and there was no force or compulsion by petitioner for marrying him and that respondent No.2, who is her father, has forgiven them and has arranged her marriage with petitioner as per their customs and rituals.

Respondent No.2, present in the Court, submits that the misunderstanding between the parties has been now cleared and he affirms the contents of aforesaid Affidavit of 5th 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;”

Upon hearing and on perusal of the FIR of this Case, I find that

continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, FIR No. 99/2018, under Section 363 IPC, registered at police station Kapashera, Delhi and the proceedings emanating therefrom are hereby quashed *qua* petitioner.

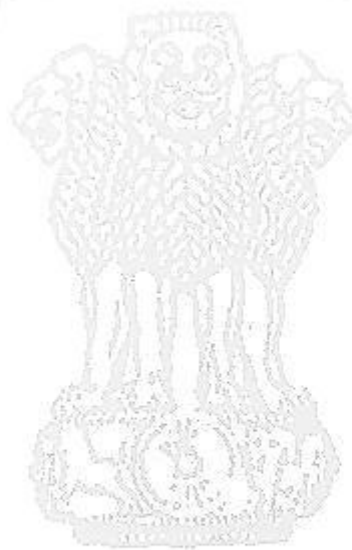
This petition and application are accordingly disposed of.

Dasti.

MARCH 08, 2019

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**(SUNIL GAUR)
JUDGE**



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