

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

Date of Order: March 14, 2019

+ **CRL.M.C. 1393/2019 & CRL.M.A. 5550/2019**

AMIT PANDEY

.....Petitioner

Through: Mr. Shakeel Sarwar Wani,
Advocate.

Versus

NCT OF DELHI & ANR

.....Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor with SI Vishal.
Mr. Tripurari Tiwari and Ms. Smriti
Tiwari, Advocates with respondent
No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.254/2012, under Sections 498-A/406/34 of *IPC*, registered at police station Vikas Puri, Delhi is sought on the basis of *Settlement* of 13th April, 2018 (*Annexure-C*) reached between the parties and affidavit of 5th March, 2019 of respondent No. 2 filed in support of this petition.

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 Vishal on the basis of identity proof produced by her.

Learned counsel for respondent No. 2 submits that terms of aforesaid *Settlement* of 13th April, 2018 (*Annexure-C*) have been fully acted upon, as today she has received an amount of ₹7,50,000/- by way of demand draft bearing No. 007582 drawn on Axis Bank, Branch Sector-15 Rohini, New Delhi from petitioner. She affirms the contents of her aforesaid affidavit of 5th March, 2019 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 a week from today. Upon placing on record the receipt of cost and handing over its copy to Investigation Officer, FIR No.254/2012, under Sections 498-A/406/34 of *IPC*, registered at police station Vikas Puri, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 14, 2019

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