

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: March 18, 2019

+ **CRL.M.C. 1451/2019**

SH. GOPAL MISHRA

..... Petitioner

Through: Mr. Subhas Kumar Jha and Mr.
Sharad Chandra Jha, Advocates.

Versus

STATE & ANR.

.....Respondents

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

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 5773 /2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.A. 5774/2019 (delay)

There is delay of 30 days in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay
is condoned.

The application is disposed of.

CRL.M.C. 1451/2019

Quashing of FIR No. 268/2016, under Sections 498-A/406 of IPC,
registered at police station Moti Nagar, Delhi is sought on the basis of
Mediated Settlement of 27th May, 2017 reached between the parties.

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 ASI Rajesh 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 as today, she has received an amount of ₹75,000/- by way of demand draft bearing No.393762 dated 26th February, 2019 drawn on Bank of India, Kirari Suleman Nagar Branch, Delhi from petitioner. She affirms the contents of her affidavit of 30th January, 2019 supporting 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 two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 268/2016, under Sections 498-A/406 of IPC, registered at police station Moti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition is accordingly disposed of.

Dasti.

MARCH 18, 2019
p'ma

(SUNIL GAUR)
JUDGE