

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

Date of Order: March 27, 2019

+ **CRL.M.C. 1600/2019 & CrI.M.As. 6395-96/2019**

SUSHIL KUMAR & ORS. Petitioners

Through: Mr. Yogeshwar Gaur, Advocate

versus

STATE OF NCT OF DLEHI & ANR. Respondents

Through: Mr.Mukesh Kumar, Additional
Public Prosecutor for respondent
No.1-State with SI Karan Pal
Mr. Vikas Dahiya, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 105/2017, under Sections 498-A/406/34 of IPC, registered at police station Hauz Khas, New Delhi is sought on the basis of mediated settlement of 18th January, 2018 (*Annexure P-3*) and affidavit of 28th February, 2019 of respondent No. 2.

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 with SI Karan Pal 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

amount of ₹50,000/- by way of demand draft bearing No.305398, dated 26th November, 2018 drawn on Central Bank of India, Branch Angel Public School, Delhi from petitioners. Respondent No.2 affirms the contents of mediated settlement of 18th January, 2018 (*Annexure P-3*) and her affidavit of 28th February, 2019 supporting 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. 105/2017, under Sections 498-A/406/34 of

IPC, registered at police station Hauz Khas, New Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and applications are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 27, 2019

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