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

Date of Order: March 28, 2019

\+ **CRL.M.C. 1637/2019 & CRL.M.A. 6558/2019**

MAHESH KUMAR & ORS. .....Petitioners

Through: Mr. Vijay Pal, Advocate

Versus

STATE & ORS. .....Respondents

Through: Mr. M.S.Oberoi, Additional Public Prosecutor for respondent-State with ASI Harender
Respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R
(ORAL)

Quashing of FIR No.150/2016, under Sections 498-A/406/34 & 174-A of IPC, registered at police station Farsh Bazar, Delhi is sought on the basis of affidavit of 16th March, 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 ASI Harender on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties now stands settled and she is living happily with petitioner-*husband* since December, 2018. She affirms the contents of her

aforesaid affidavit of 16th March, 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, 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 proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No.150/2016, under Sections 498-A/406/34 & 174-A of IPC, registered at police station Farsh Bazar, Delhi and the

proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 28, 2019
v

HIGH COURT OF DELHI
सत्यमेव जयते