

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 05, 2019

+ **CRL.M.C. 1822/2019 & CRL.M.A. 7296/2019**

SH. RAKESH SHARMA

..... Petitioner

Through: Mr. Naresh Talwar, Advocate.

Versus

STATE & ANR.

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Surinder Dutt.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 153/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Hari Nagar, (District West), Delhi is sought on the basis affidavit of 8th 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 ASI Surinder Dutt 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 vide aforesaid affidavit and today, she has received an amount of ₹5,00,000/- by way of demand

draft bearing No. 358760 dated 4th April, 2019 drawn on Bank of India, B-1 Janakpuri, Branch New Delhi and that divorce by mutual consent has been already granted by the family court on 26th November, 2018. Respondent No.2 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, FIR No. 153/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Hari Nagar, (District West), Delhi and

the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

APRIL 05, 2019

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