

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

+ **CRL.M.C. 1834/2019 & CRL.M.A. 7323/2019**

DR. HEM CHANDRA BHATT & ORS .....Petitioners

Through: Mr. Sidharth Joshi, Advocate.

Versus

STATE & ANR .....Respondents

Through: Mr. Izhar Ahmad, Additional  
Public Prosecutor for State with SI  
Indrapal Singh.  
Mr. Rakesh Malviya, Advocate  
with Respondent No. 2 in person.

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

Quashing of FIR No. 430/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Madhu Vihar, Delhi is sought on the basis of Settlement Deed of 22<sup>nd</sup> January, 2019.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that Sections 3 & 4 of Dowry Prohibition Act, 1961 have been added and 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 Indrapal Singh 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 Settlement Deed and submits that she will withdraw the application under Section 156(3) of Cr.P.C. provided a sum of ₹5,00,000/- in terms of the Settlement Deed of 22<sup>nd</sup> January, 2019 is paid to her. Learned counsel for petitioner submits that needful shall be done.

Respondent No.2 affirms the contents of her affidavit of 26<sup>th</sup> 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 petitioners 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. 430/2016, under Sections 498-A/406/34 of IPC, and 3 & 4 of Dowry Prohibition Act, 1961 registered at Police Station Madhu Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners, with the rider that respondent No. 2 shall withdraw the application under Section 156(3) of Cr.P.C. within a week from today, provided that she is compensated by petitioners to the tune of ₹5,00,000/-.

This petition and application are accordingly disposed of.

*Dasti.*

**APRIL 05, 2019**  
*p'ma*

**(SUNIL GAUR)**  
**JUDGE**