

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

Date of Order: April 08, 2019

+ **CRL.M.C. 1859/2019**

SANJEEV KHARBANDA & ORS.Petitioners

Through: Mr. Madhu Sudan Bhayans and
Mr. Madhav Shah, Advocates.

Versus

STATE & ANR.Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Mahendra
Mr. Roshan Saini and Ms. Kavita
Saini, Advocates with respondent
No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.7430/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1859/2019

Quashing of FIR No.141/2008, under Sections 498-A/406/34 of IPC, registered at police station Adarsh Nagar, Delhi is sought on the basis of '*Memorandum of Understanding*' of 29th September, 2018.

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 SI Mahendra 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 ₹5,00,000/- by way of demand draft bearing No. 552470 dated 30th March, 2019 drawn on Punjab National Bank, Janakpuri Branch, Delhi from petitioners. She affirms the contents of her affidavit of 4th April, 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 proceedings, 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 ₹30,000/- to be deposited by petitioners with Prime Minister's National Relief Fund within a period of ten days from today. Upon placing on record the proof of deposit of costs within three days thereafter and handing over its copy to the Investigating Officer, FIR No.141/2008, under Sections 498-A/406/34 of IPC, registered at police station Adarsh Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 08, 2019

v

भारतमेव जयते