

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 12, 2019

+ **CRL.M.C. 1980/2019**

RAVINDER

..... Petitioner

Through: Mr. Randhir Kumar Ojha,
Advocate.

Versus

STATE OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with W/ASI
Vidya.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 7852/2019 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 7853/2019 (delay)

There is delay of 26 days in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is disposed of.

CRL.M.C. 1980/2019

Quashing of FIR No. 279/2010, under Sections 498-A/406/34 of IPC, registered at Police Station Paschim Vihar District-West Delhi, is sought on the basis of affidavit of 31st 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 W/ASI Vidya 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 of ₹30,000/- and that divorce by mutual consent has been already granted by the family court on 28th February, 2018. Respondent No.2 affirms the contents of her affidavit of 31st March, 2019 and 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. 279/2010, under Sections 498-A/406/34 of IPC, registered at Police Station Paschim Vihar District-West Delhi, and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition is accordingly disposed of.

Dasti.

APRIL 12, 2019
p'ma

(SUNIL GAUR)
JUDGE