

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

Date of Order: May 10, 2019

+ CRL.M.C. 2069/2019

ROHIT TIWARI & ORS.

..... Petitioners

Through: Mr. Subhash Chandra, Advocate

Versus

THE STATE & ANR.

..... Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-
State with SI Kailash
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 41/2017, under Sections 498-A/406/34 of IPC, registered at Police Station Sagar Pur, South-West Delhi is sought on the basis of affidavit of 12th 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 SI Kailash 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 ₹50,000/-by way of demand draft No.825557, dated 11th March, 2019, from petitioners. She affirms the contents of her affidavit of 12th March, 2019 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 ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within a month 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. 41/2017, under Sections 498-A/406/34 of IPC, registered at Police Station Sagar Pur, South-West Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

MAY 10, 2019

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**(SUNIL GAUR)
JUDGE**



भारतमेव जयते