

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 29, 2019
+ **CRL.M.C. 2283/2019 & CRL.M.A. 9053/2019**
PANKAJ SHARMA & ORSPetitioners
Through: Mr. Suma Kaintura, Advocate

Versus

THE STATE (NCT OF DELHI) & ANRRespondents
Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Sanjay Kumar
Respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

Quashing of FIR No.774/2015, under Sections 406/498-A/34 of IPC, registered at Police Station Mayur Vihar-I, Delhi is sought on the basis of Memorandum Of Understanding of 19th February, 2018 reached between the parties.

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 Sanjay Kumar 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 Memorandum Of Understanding of 19th February, 2018. Respondent No.2 affirms the contents of her affidavit of 11th 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, FIR No.774/2015, under Sections 406/498-A/34 of IPC, registered at Police Station Mayur Vihar-I, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 29, 2019

v