

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 08, 2019

+ **CRL.M.C. 2485/2019**
RAVI BHOLA & ORS.Petitioners
Through: Mr. Harjinder Singh, Advocate

Versus

THE STATE & ANR.Respondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with ASI Rajbir Singh
Mr. Manish Kumar, Advocate with
respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.9857/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.A.9858/2018 (delay)

There is delay of 40 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. 2485/2019

Quashing of FIR No.91/2015, under Sections 406/498-A/34 of IPC, registered at Police Station Geeta Colony, Delhi is sought on the basis of affidavit of 2nd July, 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 ASI Rajbir 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 as today, she has received an amount of ₹50,000/- by way of demand draft bearing No. 084580 dated 15th February, 2019 drawn on State Bank of India, Gandhi Nagar Branch, New Delhi from petitioners. She affirms the contents of her aforesaid affidavit of 2nd July, 2018 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:-

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 ₹25,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within two weeks 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.91/2015, under Sections 406/498-A/34 of IPC, registered at Police Station Geeta Colony, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

भारतमेव जयते

(SUNIL GAUR)
JUDGE

MAY 08, 2019

v