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

+ **CRL.M.C. 2625/2019**

DILJEET SINGH & ORS. Petitioners
Through: Mr. J. M. Kalia and Ms. Bhawna
Garg, Advocates.

Versus

STATE & ANR. Respondents
Through: Ms. Neelam Sharma, Additional
Public Prosecuor alongwith SI
Manju.
Mr. Arpit Bhargva and Ms. Amrita
Dhawan, Advocates with respondent
No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
% **16.05.2019**

Quashing of FIR No. 18/2018, under Sections 498-A/406/34 of IPC, registered at Police Station Dwarka North, Delhi is sought on the basis of order of 6th February, 2019 wherein it has been recorded that on payment of certain amount by petitioner to the respondent/complainant, the parties will move for quashing of the FIR in question.

Respondent No. 2, who is present in the Court is the complainant/first-informant of FIR in question and she has been identified to be so, by SI Manju, on the basis of identity proof produced by her and submits that she has received the amount in terms of order of 6th February, 2019. Respondent No.2/complainant further submits that her personal

belongings are still lying with the petitioners.

At this stage, petitioner's counsel, on instructions submits that whatever belongings of Respondent No. 2 were there, they have been given away and in lieu thereof, a sum of ₹50,000/- would be paid to the respondent No.2/complainant by way of RTGS within two days. Let it be so done.

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 week 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. 18/2018, under Sections 498-A/406/34 of IPC, registered at Police Station Dwarka North, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

Needless to say, if amount of ₹50,000/- is not transmitted by the petitioners into the bank account of Respondent No. 2/complainant by way of RTGS within two days, then this order shall become ineffective.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 16, 2019
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