

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

Date of Order: May 28, 2019

+ **CRL.M.C. 2906/2019**

MOHIT KATHURIA & ORS. Petitioners

Through: Mr. Pradeep Kumar Mishra,
Advocate with petitioners in
person.

Versus

STATE & ANR. Respondents

Through: Dr.M.P.Singh, Additional Public
Prosecutor for State with SI Rajbir
Singh.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl. M.A.11727/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2906/2019

Quashing of FIR No.212/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Nangloi, Delhi, is sought on the basis of Settlement Deed of 7th April, 2019 (*Annexure P-3*) and affidavit of 20th May, 2019 of second respondent.

Upon notice, learned Additional Public Prosecutor for respondent

No.1-State submits that respondent No.2, present in the Court, is the complainant of FIR in question and she has been identified to be so, by SI 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 per Settlement Deed and 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.212/2013, under Sections 498-A/406/34 of IPC, registered at Police Station Nangloi, Delhi, and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 28, 2019

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