

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

Date of Order: May 28, 2019

+ **CRL.M.C. 2909/2019**

UMESH KUMAR ARORA & ANR. Petitioners

Through: Mr.Gaurav Gupta and Mr.Jaspal
Singh, Advocates.

Versus

THE STATE OF NCT OF DELHI & ANR. Respondents

Through: Ms.Neelam Sharma, Additional
Public Prosecutor for State with SI
Suresh Chand.
Mr. Sunil Kumar, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl. M.A.11736-37/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Applications are disposed of.

CRL.M.C. 2909/2019 & Crl. M.A.11735/2019

Quashing of FIR No.203/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Kirti Nagar, Delhi, is sought on the basis of Mediated Settlement of 16th March, 2019 (*Annexure-P-3*) and affidavit of respondent No.2 of 23rd May, 2019.

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 Suresh Chand, 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 Mediated Settlement dated 16th March, 2019 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, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioner 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.203/2016, under Sections 498-A/406/34 of IPC, registered at Police Station Kirti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

MAY 28, 2019

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**(SUNIL GAUR)
JUDGE**

