

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 28, 2019

+ **CRL.M.C. 2898/2019**

MANOJ SAGWAN & ORS. Petitioners
Through: Mr.Anuj Kapoor, Advocate.

Versus

STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr.Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Hari Man.
Mr.Mayank Mikhail Mukherjee,
Advocate with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl. M.A.11695/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2898/2019

Quashing of FIR No.513/2017, under Sections 498-A/406/34 of IPC, registered at Police Station Saket, New Delhi is sought on the basis of mediated settlement of 15th January, 2019 (*Annexure-C*) and affidavit of 25th 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

ASI Hari Man, 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 and that she is living happily with petitioner No.1-husband since last four months 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.513/2017, under Sections 498-A/406/34 of

IPC, registered at Police Station Saket, New Delhi and the proceedings emanating therefrom is quashed qua petitioners with a rider that in case the marriage of respondent No.2 with petitioner-husband again runs into rough weather, then this order shall not stand in the way of respondent No.2 to have recourse to law.

This petition is accordingly disposed of.

MAY 28, 2019

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**(SUNIL GAUR)
JUDGE**



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