

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

Date of Order: May 31, 2019

+ **CRL.M.C. 3047/2019**

BHUWAN SHARMA & ORS

.....Petitioners

Through: Mr.Ajayender Sangwan, Mr.Amit Saxena, Ms.Dimple and Mr.Ashok Kumar, Advocates

Versus

THE STATE & ANR.

....Respondents

Through: Ms.Neelam Sharma, Additional Public Prosecutor for respondent-State with SI Mahendra Mr.Dhruv Grover, Advocate with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A.12257/2019

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 3047/2019

1. Quashing of FIR No.8/2017, under Sections 498-A/406 of IPC, registered at police station Adarsh Nagar, Delhi is sought on the basis of Mediated Settlement of 17th September, 2018 (*Annexure P2*).

2. Upon notice, Ms. Neelam Sharma, learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court, is complainant of the FIR in question and she has been

identified to be so, by SI Mahendra, on the basis of identity proof produced by her.

3. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid Mediated Settlement of 17th September, 2018 (*Annexure P2*) and terms thereof have been fully acted upon as today, she has received the balance settled amount of ₹5,00,000/- by way Banker's Cheque No.645574 dated 21st May, 2019 drawn on State Bank of India. Respondent No.2 affirms the contents of aforesaid Mediated Settlement of 17th September, 2018 (*Annexure P2*) and of her affidavit of 29th May, 2019 supporting this petition 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.

4. 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 complaint, 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.”

5. 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.

6. 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.8/2017, under Sections 498-A/406 of IPC, registered at police station Adarsh Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

7. It is made clear that if for any reason the Banker's Cheque handed over to respondent No.2 is not honoured, then petitioner-husband shall get it replaced within a week. If it is not so done, then second respondent will be at liberty to get this order revoked.

8. This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 31, 2019
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