

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: July 05, 2019
+ **CRL.M.C. 3169/2019 & Crl.M.A. 13035/2019**

NITIN SHARMA & ORS. Petitioners

Through: Mr. Anil Sharma, Mr. Aman
Bhardwaj & Mr. Kunal Nath,
Advocates

Versus

STATE (GOVT OF NCT OF DELHI) & ANR. Respondent

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with ASI Rajbir
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.457/2015 under Sections 498A/406/34 of IPC, registered at Police Station Gandhi Nagar, Delhi is sought on the basis of affidavit of 16th May, 2019 of respondent No.2/complainant and on the ground that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that later on, offence under Section 354/354-B/509/34 IPC has been added against petitioner No.4. Learned Additional Public Prosecutor for respondent-State further submits that respondent No. 2, who is present in Court, is the complainant of FIR in question and she has been identified to be so, by ASI Rajbir, on the basis of identity proof produced by her.

Respondent No. 2, present in the Court, submits that she has received the balance settled amount of ₹4,00,000/- by way of four demand drafts bearing Nos. 008126, 008140, 008143 and 00812 (amounting to ₹1,00,000/- each), revalidated on 3rd July, 2019, drawn on HDFC Bank, Branch Priyadarshini Vihar, Delhi from petitioners. She affirms the contents of her affidavit of 16th May, 2019 and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives. Respondent No.2 submits that subject to realization of afore-noted demand drafts, 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, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within one 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.457/2015 under Sections 498A/406/34 of IPC, registered at Police Station Gandhi Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. It is made clear that if the revalidated drafts are not honoured and are returned to respondent No.2 by the concerned bank, then petitioners shall handover fresh demand drafts of settled amount to respondent No.2 within a week of its return.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 05, 2019

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