

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

Date of Order: July 09, 2019

+ **CRL.M.C. 3235/2019 & CRL.M.A. 13324-13325/2019**

NARENDRA KUMAR SINGHPetitioner
Through: Ms. Prabjot Kaur, Advocate with
petitioner in person

Versus

STATE & ANR.Respondents
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with SI Vishwa Pratap
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 221/2008, under Sections 67 of IT Act, 2005 and charge sheet filed under Sections 65 & 67 of IT Act and Section 201 IPC and charge framed under Section 67 of IT Act, registered at Police Station Preet Vihar, Delhi is sought on the basis of mediated settlement agreement of 8th April, 2019 and affidavit of 5th July, 2019 of second respondent supporting this petition 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 No.1-State submits that respondent No.2, present in the Court, is the

complainant/first-informant of FIR in question and she has been identified to be so, by SI Vishwa Pratap on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the matrimonial dispute between the parties has been amicably resolved in terms of mediated settlement agreement of 8th April, 2019, as today she has received an amount ₹8,00,000/- by way of demand draft bearing No. 278599, dated 6th July, 2019 drawn on Union Bank of India, Branch Bhangel, Noida from petitioner. She affirms the contents of her affidavit of 5th July, 2019 supporting this petition and submits that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties and now, no grievance against petitioner 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 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.”

In the facts and circumstances of this case, 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 and the matrimonial dispute also stands mutually and amicably settled between parties.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioner 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. 221/2008, under Sections 67 of IT Act, 2005 and charge sheet filed under Sections 65 & 67 of IT Act and Section 201 IPC and charge framed under Section 67 of IT Act, registered at Police Station Preet Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 09, 2019

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