

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: July 10, 2019

+ **CRL.M.C. 3251/2019**

SHRI RAJ KUMAR BATRA Petitioner
Through: Mr. Jitender Vashisht, Advocate.

Versus

STATE & ANR Respondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Dirender Singh
Mr. Rajiv Kumar, Advocate with
Mr. Mahesh Kumar, Guardian of
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 13381/2019 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 13382/2019 (delay in re-filing)

There is delay of 147 days in re-filing the accompanying petition.

Upon hearing, I find that averments made in the instant application provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned.

The application is disposed of.

CRL.M.C. 3251/2019

Quashing of FIR No. 172/2010, under Sections 498-A/34 of IPC,

registered at Police Station Govind Puri, Delhi is sought on the basis of affidavit of 3rd January, 2019 of Mr. Mahesh Kumar, guardian of respondent No. 2.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No.2 is represented through guardian, Mr. Mahesh Kumar who is present in the Court, and he has been identified to be so, by SI Dirender Singh on the basis of identity proof produced by him.

Mr. Mahesh Kumar, guardian of respondent No.2, submits that the dispute between the parties has been amicably resolved and he affirms the contents of his aforesaid affidavit of 3rd January, 2019 supporting this petition and submits that now no dispute with 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;”

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. 172/2010, under Sections 498-A/34 of IPC, registered at Police Station Govind Puri, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition is accordingly disposed of.

Dasti.

JULY 10, 2019
p'ma

(SUNIL GAUR)
JUDGE