

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

Date of Order: July 11, 2019

+ **CRL.M.C. 3280/2019 & CrI.M.A. 30721/2019**

CHANDER SHEKHAR & ORS. Petitioners
Through: Mr. Manish Garg, Advocate.

Versus

THE STATE (GNCT OF DELHI) & ANR. Respondents
Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with ASI Mahender Singh
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 136/2018, under Sections 498A/406/34 of IPC, registered at Police Station Nand Nagri, Delhi is sought on the basis of mediated settlement of 29th December, 2018 and affidavit of 28th June, 2019 of respondent No.2/complainant.

Upon notice, learned Additional Public Prosecutor for respondent-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 Mahender Singh, 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 ₹80,000/- by way of demand draft bearing No. 679330, dated 8th July, 2019, drawn on State Bank of India,

Branch Palam Colony, Delhi from petitioners. She affirms the contents of her affidavit of 28th June, 2019 and submits that now, no grievance against petitioners survives and so, 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.

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. 136/2018, under Sections 498A/406/34 of IPC, registered at Police Station Nand Nagri, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

JULY 11, 2019

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**(SUNIL GAUR)
JUDGE**

