

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

Date of Order: July 16, 2019

+ **CRL.M.C. 3360/2019**

SURENDRA KUMAR & ORS. Petitioners
Through: Ms. Karabi Das, Advocate

Versus

STATE & ANR. Respondents
Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent
No.1-State with ASI Rajbir Singh
Mr. Sarvesh, Advocate with
respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A. 31026/2019

Delay of 175 days in re-filing the accompanying petition is
condoned for the reasons stated in the application.

Application is disposed of.

CRL.M.C. 3360/2019

Quashing of FIR No.83/2012, under Sections 498A/406 of IPC,
registered at Police Station Moti Nagar, Delhi is sought on the basis of
mediated settlement of 18th April, 2018 and affidavit of 22nd February,
2019 of respondent No.2/complainant.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent No. 2, present in Court, is the complainant of FIR in question and she has been identified to be so, by ASI Rajbir Singh on the basis of identity proof produced by her.

Respondent No. 2, present in the Court, submits that mediated settlement of 18th April, 2018 has been fully acted upon and now no dispute with petitioners survives. She affirms the contents of her affidavit of 22nd February, 2019 and submits that 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 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 four 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.83/2012, under Sections 498A/406 of IPC, registered at Police Station Moti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

JULY 16, 2019

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**(SUNIL GAUR)
JUDGE**



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