

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of Order: July 26, 2019*

+ **CRL.M.C. 3606/2019**  
**TARIQUE**

.....Petitioner

Through: Mr. Shree Niwas Sharma,  
Advocate with petitioner in person

versus

THE STATE & ANR

.....Respondents

Through: Ms. Neelam Sharma, Additional  
Public Prosecutor for respondent-  
State with Inspector Vinay Kumar  
Mr. S.K. Tiwari, Advocate with  
respondent No. 2 in person

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

**CRL.M.A. 32019/2019 (Exemption)**

Allowed subject to all just exceptions.

**CRL.M.C. 3606/2019**

Quashing of FIR No.174/2018, under Section 376 of IPC, registered at Police Station Khajuri Khas, Delhi is sought on the basis of affidavit of 5<sup>th</sup> July, 2019 of respondent No.2 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 respondents No. 2, who is present in Court, is the complainant of FIR in question and she has been identified to be so, by

Inspector Vinay Kumar, on the basis of identity proof produced by her.

Respondents No. 2, present in the Court submits that petitioner had established physical relations with her while promising to marry her and now petitioner has married her on 1<sup>st</sup> May, 2018. Copy of the said '*Nikah Nama*' of 1<sup>st</sup> May, 2018 is placed on record. She affirms the contents of her affidavit of 5<sup>th</sup> July, 2019 filed in support of this petition and submits that 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, to restore the cordiality between the parties, the proceedings arising out of the FIR in question be brought to an end, as petitioner has undertaken to keep her happy.

At this stage, petitioner who appears in person undertakes to keep respondent No. 2 happy under all circumstances. Learned Additional Public Prosecutor for respondent-State submits that the cancellation report is being filed in this FIR case.

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.”*

In the facts and circumstances of this case, in the face of copy of the ‘Nikah Nama’ of 1<sup>st</sup> May, 2018 and the fact of filing of cancellation report in this FIR by the Investigating Officer, 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 between the parties.

Consequently, FIR No.174/2018, under Section 376 of IPC, registered at Police Station Khajuri Khas, Delhi and the proceedings emanating therefrom are hereby quashed with a rider that if respondent No. 2 has any grievance against petitioner at any point of time, she is at liberty to get this order revoked.

This petition is accordingly disposed of.

*Dasti.*

**(SUNIL GAUR)  
JUDGE**

**JULY 26, 2019**

v