

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 02, 2019

+ **CRL.M.C. 3836/2019 & CrI.M.A. 32797-98/2019**

AKSHAY SARIN

..... Petitioner

Through: Ms. Sumi Anand & Ms. Priyanka
Kapoor, Advocates.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Arvind Kumar.
Mr. Anil Thomas, Advocate with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 123/2014, under Section 498-A/406/34 of IPC, registered Police Station Hazarat Nizamuddin, Delhi is sought on the basis of compromise deed of 2nd August, 2019 and affidavit of respondent No. 2 of 2nd August, 2019.

Upon notice, learned Additional Public Prosecutor for respondent-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 ASI Arvind Kumar on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid compromise deed of 2nd August, 2019 and terms thereof have been fully acted upon. Respondent No. 2 affirms the contents of her affidavit of 2nd August, 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 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, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Consequentially, this petition is allowed, subject to petitioner depositing costs of ₹50,000/- with *Prime Minister's National Relief Fund*, FIR No. 123/2014, under Section 498-A/406/34 of IPC, registered Police Station Hazarat Nizamuddin, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition and applications are accordingly disposed of.

A copy of this order be given *dasti* under the signatures of Court Master to counsel for the parties.

AUGUST 02, 2019
p'ma

(SUNIL GAUR)
JUDGE



सत्यमेव जयते