

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 21, 2019

+ **CRL.M.C. 4081/2019 & CRL.M.A. 33816/2019**

AJAY KUMAR TIWARI & ORS.Petitioners
Through: Ms. Richa Dhawan, Standing
Counsel (DHCLSC).

Versus

STATE & ANR.Respondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Ram Kishan & ASI
Rajvirender.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 279/2018, under Section 498-A/406/34 of IPC, registered Police Station Bhalswa Dairy (North West), Delhi is sought on the basis of Mediated Settlement of 4th February, 2019 reached between the parties and affidavit of 22nd July, 2019 of respondent No. 2.

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 Ram Kishan 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 Mediated Settlement of 4th February, 2019 and terms thereof have been fully acted upon. Respondent No. 2 affirms the contents of her affidavit of 22nd July, 2019 supporting this petition and submits that now no dispute with petitioners 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, FIR No. 279/2018, under Section 498-A/406/34 of IPC, registered Police Station Bhalswa Dairy (North West), Delhi and the proceedings emanating therefrom are hereby quashed *qua* petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 21, 2019
p'ma

