

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

Date of Order: February 26, 2019

+ CRL.M.C. 4887/2017
MUNISH DALAL

..... Petitioner

Through: Mr. Divya Kumar Kaushik &
Mr. Anurag Kumar Singh,
Advocates

Versus

THE STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent No.1-
State with SI Vishal Tiwari
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 105/2015, under Sections 323/354/509/341/34 IPC, registered at police station Vikas Puri, New Delhi is sought on the basis of mediated settlement of 28th July, 2016 (*Annexure- B colly*) reached between the parties.

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

Respondent No.2, present in the Court, submits that the disputes with petitioner-*husband* stands resolved in terms of mediated settlement

of 28th July, 2016 (*Annexure- B colly*) and she is happily living with petitioner-husband since the year 2016. Respondent No.2 affirms the contents of her Affidavit of 2nd August, 2017 supporting this petition and submits that to restore cordiality between the parties, 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 complaint, 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.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioner 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. 105/2015, under Sections 323/354/509/341/34 IPC, registered at police station Vikas Puri, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition is accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

FEBRUARY 26, 2019

r



मत्स्यमेव जयते