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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8327/2023**

REHANA @ REHANA PARVEEN Petitioner
Through: Mr. Hari Shanker, Advocate with
petitioner in person.

versus

STATE Respondent
Through: Mr. Laksh Khanna, APP for State
with SI Dhirender, P.S. Madhu Vihar.
Mr. Prashant Sharma, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **05.02.2024**

1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 1050/2014 registered under Sections 420/468/471/34 IPC at Police Station Madhu Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of matrimonial discord between respondent No.2 and his erstwhile wife i.e. petitioner. It is submitted that the parties have already been divorced. It is also submitted that earlier petitions being W.P.(CRL.) 722/2017 was withdrawn on 28.04.2017 as the allied proceedings between the parties being CS No. 796/2017 and Cont. Petition No. 6/2016 were pending on that day. It is further submitted that both the proceedings were subsequently withdrawn. The second petition being CRL.M.C. 1819/2023 was withdrawn on 18.08.2023 as details of earlier petition was inadvertently not mentioned.



3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioner is the only accused person and respondent No.2 is the complainant/victim in the present case.
4. Learned counsels for the parties submit that the petitioner and respondent No. 2 have amicably settled their disputes vide Memorandum of Settlement dated 31.01.2027. In terms of the said settlement, respondent No.2 is now left with no claim or grievance against the petitioner.
5. Petitioner and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Dhirender, P.S. Madhu Vihar.
6. Petitioner has shown remorse for her conduct and undertakes not to repeat the same in future. Respondent No. 2 also states that he has settled the disputes with the petitioner out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.
7. The parties shall remain bound by the statements made in Court today.
8. In Parbatbhai Aahir and Others v. State of Gujarat and Another reported as **(2017) 9 SCC 641**, it has been held as under:-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

xxx

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 in so far 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; and...”

9. Similarly, in *State of Madhya Pradesh v. Laxmi Narayan and Others* reported as **(2019) 5 SCC 403**, it has been held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred Under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences Under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;”

10. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

11. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 5, 2024/ga