

Sonu & Ors. Vs.state and Anr

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Court : Delhi

Decided On : Mar-13-2019

Appellant : Sonu & Ors.

Respondent : State and Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 13, 2019 + CRL.M.C. 1351/2019 and CRL.M.As. 5396-5397/2019 SONU & ORS.Petitioners Through: Mr. Karam Chand Jha, Advocate Versus STATE AND ANRRespondents Through: Mr. M.S. Oberoi, Additional Public Prosecutor for State with ASI Suresh Kumar Mr. Satyam Singh, Advocate with Respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.333/2011, under Sections 4 of IPC and under Section 4 of Dowry Prohibition Act, registered at police station New Usmanpur, Delhi is sought on the basis of Mediated Settlement of 5th September, 2017 (Annexure A-1) reached between the parties. Upon notice, learned Additional Public Prosecutor for respondent No.1-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 Suresh Kumar on the basis of identity proof produced by her. Respondent No.2 present in the Court, submits that the dispute CRL.M.C. 1351/2019 Page 1 of 3 between the parties has been amicably resolved vide aforesaid Mediated Settlement of 5th September, 2017

(Annexure A-1) and terms thereof have been fully acted upon. Respondent No.2 affirms the contents of her affidavit of 02nd May, 2018 filed in support of 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 SCC641 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. from 16.8. Criminal cases involving offences which arise 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, FIR No.333/2011, under Sections 4 of IPC and under Section 4 of Dowry Prohibition Act, registered at police station CRL.M.C. 1351/2019 Page 2 of 3 New Usmanpur, Delhi and the proceedings emanating therefrom are hereby quashed. This petition and applications are accordingly disposed of. Dasti. MARCH13 2019 pma (SUNIL GAUR) JUDGE CRL.M.C. 1351/2019 Page 3 of 3

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