

Sh. Ravi & Ors vs.state & Anr

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Court : Delhi

Decided On : Mar-28-2019

Appellant : Sh. Ravi & Ors

Respondent : State & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 28, 2019 + CRL.M.C. 1639/2019 SH. RAVI & ORSPetitioners Through: Mr. G.S. Sharma, Mr. R.A.Sharma and Mr. V.K.Sharma, Advocates Versus STATE & ANR Through: Mr. Izhar Ahmad, AdditionalRespondents Public Prosecutor for respondent- State with SI Sandeep Singh Respondent No.2 in person CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.149/2016, under Sections 498-A/4

of IPC, registered at police station Punjabi Bagh, Delhi is sought on the basis of affidavit of 19th March, 2019 of respondent No.2. 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 with SI Sandeep Singh on the basis of identity proof produced by her. Respondent No.2, present in the Court, submits that the dispute between the parties now stands settled and she is living together happily with petitioner-husband since October, 2016. She affirms the contents of CRL.M.C. 1639/2019 Page 1 of 3 her aforesaid affidavit of 19th March, 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 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 financial, mercantile, partnership or similar commercial, 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 petitioners with Prime Ministers National Relief Fund within four weeks from today. Upon placing on record the proof of deposit of costs within a thereafter and handing over its copy to the Investigating Officer, FIR No.149/2016, under Sections 498-A/4

of IPC, registered at police station Punjabi Bagh, Delhi and the proceedings CRL.M.C. 1639/2019 Page 2 of 3 emanating therefrom shall stand quashed qua petitioners. This petition is accordingly disposed of. Dasti. MARCH28 2019 v (SUNIL GAUR) JUDGE CRL.M.C. 1639/2019 Page 3 of 3

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