

Mr. Prashant Agarwal & Ors. Vs.state & Anr.

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SooperKanoon Citation : sooperkanoon.com/1222363

Court : Delhi

Decided On : Apr-01-2019

Appellant : Mr. Prashant Agarwal & Ors.

Respondent : State & Anr.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 01, 2019
+ CRL.M.C. 1705/2019 MR. PRASHANT AGARWAL & ORS.Petitioners
Through: Mr. H.S. Dhillon, Advocate Versus STATE & ANR.Respondents
Through: Mr. Izhar Ahmad, Additional Public Prosecutor for State with W/SI Sneh Lata. Ms. Meera Menon, Advocate with Special Attorney-Mr. Rajiv Dhingra, father of Respondent No.2. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.152/2018, under Sections 498-A/377/3 of IPC, registered at police station Malviya Nagar, New Delhi is sought on the basis of settlement agreement of 28th January, 2019 reached between the parties. Mr. Rajiv Dhingra, father of respondent No.2, who is complainant of FIR in question is present in the court and he submits that his daughter i.e. respondent No.2 has given Special Power of Attorney in his favour to appear on her behalf. Learned Additional Public Prosecutor for CRL.M.C. 1705/2019 Page 1 of 3 respondent-State submits that Mr. Rajiv Dhingra, has been duly identified to be father of respondent No.2, by W/SI Sneh Lata on the basis of identity proof produced by him. Attorney holder of Respondent No.2, submits that the dispute

between the parties has been amicably resolved as today, an amount of 25,00,000/- by way of a demand draft bearing No.001809 dated 27th March, 2019 drawn on HDFC Bank, Neb Sarai Branch New Delhi in the name of his daughter has been received from petitioners. He submits that divorce by mutual consent has been already granted to the parties by the family court on 7th March, 2019. He submits that he has instructions from respondent No.2 to submit 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; CRL.M.C. 1705/2019 Page 2 of 3 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 a 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.152/2018, under Sections 498- A/377/3 of IPC, registered at police station Malviya Nagar, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. This petition is accordingly disposed of. Dasti. APRIL01 2019 pma (SUNIL GAUR) JUDGE CRL.M.C. 1705/2019 Page 3 of 3