

Prem Shankar vs.state & Anr

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SooperKanoon Citation : sooperkanoon.com/1222917

Court : Delhi

Decided On : Apr-30-2019

Appellant : Prem Shankar

Respondent : State & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 30, 2019
+ CRL.M.C. 66/2019 PREM SHANKAR Through: In personPetitioner Versus
STATE & ANR Through: Mr. Izhar Ahmad, AdditionalRespondents Public
Prosecutor for respondent- State with ASI Praveen Kumar Mr.Sharad Malhotra,
Advocate with respondent No.2 in person CORAM: HON'BLE MR. JUSTICE
SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.566/2014, under Sections 406/498-A/34 of IPC, registered at Police Station Keshav Puram, Delhi is sought on the basis of settlement of 24th July, 2018 (Annexure B) 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 Praveen Kumar on the basis of identity proof produced by her. Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved as today, she has received an amount of 3,00,000/- by way of demand draft bearing No.CRL.M.C. 66/2019 Page 1 of 3 328320 dated 26th April, 2019 drawn on

Punjab National Bank, Trinagar Branch, New Delhi from petitioner. She affirms the contents of her affidavit of 21st December, 2018 and submits that now no dispute with petitioner 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 proceedings, 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 Ministers National Relief Fund CRL.M.C. 66/2019 Page 2 of 3 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.566/2014, under Sections 406/498-A/34 of IPC, registered at Police Station Keshav Puram, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner. This petition is accordingly disposed of. Dasti. (SUNIL GAUR) JUDGE APRIL30 2019 v CRL.M.C. 66/2019 Page 3 of 3