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Satender Singh & Ors vs.state & Anr

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Court : Delhi

Decided On : May-27-2019

Appellant : Satender Singh & Ors

Respondent : State & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 2881/2019 Date of Order: May 27, 2019 .....Petitioners SATENDER SINGH & ORS Through: Mr. Anuj Kapoor, Advocate. Versus STATE & ANR .....Respondents Through: Dr. M.P. Singh, Additional Public Prosecutor with ASI Suresh Kumar and SI C.B. Sharma. Ms. Pooja Pandey and Mr. Alok Motan and Mr. S.C. Motan, Advocates with respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL) CRL.M.A.11598/2019 (Exemption) Allowed subject to all just exceptions. CRL.M.C. 2881/2019 Quashing of FIR No.205/2017, under Sections 498-A/4
of IPC and under Section 4, Dowry Prohibition Act, 1961 of IPC, registered at Police Station New Usmanpur, Delhi is sought on the basis of affidavit of 20th May, 2019 of second respondent. 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 they have been CRL.M.C. 2881/2019 Page 1 of 3 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 between the parties has been amicably resolved and she

affirms the contents of her aforesaid affidavit of 20th May, 2019 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 SCC641has 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. 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, this petition is allowed subject to costs of 10,000/- to be deposited by petitioners with Prime Ministers National Relief Fund CRL.M.C. 2881/2019 Page 2 of 3 within four weeks 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.205/2017, under Sections 498-A/4
of IPC and under Section 4 Dowry Prohibition Act, 1961 of IPC, registered at Police Station New Usmanpur, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. This petition is accordingly disposed of. (SUNIL GAUR) JUDGE MAY27 2019 v CRL.M.C. 2881/2019 Page 3 of 3

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