

Manoj Kumar & Ors. Vs.state & Ors.

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SooperKanoon Citation : sooperkanoon.com/1223935

Court : Delhi

Decided On : Jul-11-2019

Appellant : Manoj Kumar & Ors.

Respondent : State & Ors.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: July 11, 2019 +
CRL.M.C. 1132/2019 VISHAL STATE & ANR. Through: Mr. B.P. Singh, Advocate.
.....

... Petitioner

VersusRespondents Through: Mr. M.P. Singh, Additional Public Prosecutor for
State with SI Amit. Mr. Kuldeep, Advocate with Respondent No.2 in person.
CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.638/2015, under Sections 498-A/4
of IPC & Section 4 of Dowry Prohibition Act, 1961 registered at Police Station
Sarai Rohilla, Delhi is sought on the basis of affidavit of 17th December, 2018 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 SI Amit on the basis of identity proof produced by her. Respondent No.2,
present in the Court, submits that the dispute CRL.M.C. 1132/2019 Page 1 of 3

between the parties has been amicably resolved. She affirms the contents of her affidavit of 17th December, 2018 supporting this petition 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 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.638/2015, under Sections 498-A/4 of IPC & Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Sarai Rohilla, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner. CRL.M.C. 1132/2019 Page 2 of 3 This petition is accordingly disposed of. Dasti. JULY11 2019 pma (SUNIL GAUR) JUDGE CRL.M.C. 1132/2019 Page 3 of 3