

Sh. Rajesh Kumar vs.state & Anr

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SooperKanoon Citation : sooperkanoon.com/1224464

Court : Delhi

Decided On : Aug-01-2019

Appellant : Sh. Rajesh Kumar

Respondent : State & Anr

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: August 01, 2019 CRL.M.C. 3757/2019 SH. RAJESH KUMARPetitioner Through: Mr. Pankaj Kumar, Advocate Versus STATE & ANRRespondents Through: Ms. Neelam Sharma, Additional Public Prosecutor for respondent- State with SI Rajiv Kumar Ms. Mamtesh Sharma, Advocate with respondent No.2 in person CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) CRL.M.A. 32560/2019 (Exemption) Allowed subject to all just exceptions. CRL.M.C. 3757/2019 Quashing of FIR No.121/2014 under Sections 498-A/3 of IPC, registered at Police Station Harsh Vihar, Delhi is sought on the basis of affidavit of 25th July, 2019 of respondent No.2 and on the ground that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties. Upon notice, learned Additional Public Prosecutor for respondent- CRL.M.C. 3757/2019 Page 1 of 3 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 Rajiv Kumar, on the basis of identity proof produced by her. Respondent No.2 present in the Court, affirms the contents of

her affidavit of 25th July, 2019 filed in support of this petition and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and that petitioner- husband had no intention to murder her and the dispute between the parties have been resolved vide Settlement Deed of 10th April, 2017 and now, no grievance against 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 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 flavour may CRL.M.C. 3757/2019 Page 2 of 3 and prejudice. In the facts and circumstances of this case, I find that offence allegedly committed by petitioner does not fall within the ambit of Section 307 of IPC and continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties. Accordingly, FIR No.121/2014 under Sections 498-A/3 of IPC, registered at Police Station Harsh Vihar, Delhi and the proceedings emanating therefrom are hereby quashed. This petition is accordingly disposed of. (SUNIL GAUR) JUDGE AUGUST01 2019 v CRL.M.C. 3757/2019 Page 3 of 3