

Manmohan & Anr vs.the State (Nct of Delhi) & Anr

Manmohan & Anr vs.the State (Nct of Delhi) & Anr

SooperKanoon Citation : sooperkanoon.com/1224692

Court : Delhi

Decided On : Aug-14-2019

Appellant : Manmohan & Anr

Respondent : The State (Nct of Delhi) & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: August 14, 2019 + CRL.M.C. 3986/2019 & CRL.M.A. 33420/2019 MANMOHAN & ANRPetitioners Through: Mr. Rohit Tyagi, Advocate versus THE STATE (NCT OF DELHI) & ANRRespondents Through: Mr. Izhar Ahmad, Additional Public Prosecutor for respondent- State with ASI Asmita Respondent No.2 in person CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) CRL.M.A. 33421/2019 (Exemption) Allowed subject to all just exceptions. CRL.M.C. 3986/2019 & CRL.M.A. 33420/2019 (Stay) Quashing of FIR No.222/2016, under Sections 498-A/34 of IPC, registered at Police Station Najafgarh, Delhi is sought on the basis of affidavit of 3rd August, 2019 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 ASI Asmita on the basis of identity proof produced by her. Respondent No.2, present in the Court, submits that the dispute CRL.M.C. 3986/2019 Page 1 of 3 between the parties has been amicably resolved vide affidavit of 3rd August, 2019

and terms thereof have been fully acted upon and she is happily living with petitioner-husband since September, 2017. Respondent No.2 affirms the contents of her affidavit of 3rd August, 2019 supporting this petition and submits that now no dispute with petitioners survives and to restore cordiality between the parties, 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. 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. Consequentially, this petition is allowed subject to costs of 10,000/- to be deposited by petitioners with Prime Ministers National CRL.M.C. 3986/2019 Page 2 of 3 Relief Fund within one 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.222/2016, under Sections 498- A/34 of IPC, registered at Police Station Najafgarh, Delhi and the proceedings emanating therefrom shall stand quashed. This petition and the application are accordingly disposed of. Dasti. AUGUST14 2019 v (SUNIL GAUR) JUDGE CRL.M.C. 3986/2019 Page 3 of 3