

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 12, 2019

+ **CRL.M.C. 1999/2019**
KARAMJEET SINGHPetitioner
Through: Mr. Shubham Saini, Advocate

Versus

STATE (NCT OF DELHI) & ANRRespondents
Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for respondent-
State with ASI Praveen Kumar.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 7909/2019 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 7908/2019

There is delay of 229 days in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is disposed of.

CRL.M.C. 1999/2019

Quashing of FIR No. 814/2016, under Section 354D of IPC, registered at Police Station Uttam Nagar, Delhi is sought 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-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, handed over her affidavit of 12th April, 2019 supporting this petition and it is taken on record. Respondent No. 2 submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and submits that now, no grievance against petitioner survives and so, 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 SCC 641 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.”

In the facts and circumstances of this case, I find that 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, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* 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. 814/2016, under Section 354D of IPC, registered at Police Station Uttam Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition is accordingly disposed of.

Dasti.

APRIL 12, 2019

v

**(SUNIL GAUR)
JUDGE**