

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: July 04, 2019

+ **CRL.M.C. 3150/2019**

SUNIL YADAV & ORS. Petitioners

Through: Mr. Ranjit Singh, Advocate

Versus

STATE & ANR. Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-
State with ASI Jaswant Kumar
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CrI.M.A. 12966/2019

Delay of 132 days in re-filing the accompanying petition is condoned for the reasons stated in the application.

Application is disposed of.

CRL.M.C. 3150/2019 & CrI.M.A. 12967/2019

Quashing of FIR No.202/2015 under Sections 323/354/506/498A/34 of IPC, registered at Police Station Palam Village, Delhi is sought on the basis of affidavit of 16th October, 2018 of respondent No.2/complainant 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-State submits that respondents No. 2, who is present in Court, is the complainant of FIR in question and she has been identified to be so, by ASI Jaswant Kumar, on the basis of identity proof produced by her.

Respondents No. 2, present in the Court, she submits that she has received the balance settled amount of ₹1,25,000/- by way of demand draft bearing No. 679263, dated 2nd July, 2019, drawn on State Bank of India, Branch Palam Colony, Delhi from petitioners. She affirms the contents of her affidavit of 16th October, 2018 and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against 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 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 amongst 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 two 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.202/2015 under Sections 323/354/506/498A/34 of IPC, registered at Police Station Palam Village, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

भारतमेव जयते

(SUNIL GAUR)
JUDGE

JULY 04, 2019

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