

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of Order: May 02, 2019*

+ **CRL.M.C. 155/2019**

AKRAM ALI

.....Petitioner

Through: Mr. Sunil Kr. Bhatt and Ms. Manju  
Datt, Advocates

Versus

STATE & ANR

.....Respondents

Through: Mr. M.S. Oberoi, Additional  
Public Prosecutor with SI Hemant  
Mr. S.K. Chaudhary, Advocate  
with respondent/complainant in  
person

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

Quashing of FIR No.203/2016, under Sections 377/232/506 of IPC, registered at police station Vasant Kunj, New Delhi is sought on the basis of affidavit of 9<sup>th</sup> January, 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-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 Hemant, on the basis of identity proof produced by her.

Respondent No. 2 present in the Court, submits that FIR for the offence under Sections 498-A/406/34 IPC has been also settled between

the parties for which separate petition for the quashing of the said FIR under Sections 498-A/406/34 IPC has been already filed and the misunderstanding, which led to registration of the FIR in question, now stands cleared between second respondent and petitioner-husband 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, FIR No.203/2016, under Sections 377/232/506 of

IPC, registered at police station Vasant Kunj, New Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition is accordingly disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**MAY 02, 2019**

v

