

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: July 17, 2019

+ **CRL.M.C. 929/2019**
SAURABH ARORA & ORSPetitioners
Through: Mr. Yogesh Swaroop & Mr.
Saurabh Pandey, Advocates.

Versus

STATE OF NCT OF DELHI & ANRRespondents
Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI
Davender Singh.
Mr. Nasir Ahmed, Advocate with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 190/2008, under Sections 420/468/471/120B of IPC, registered at Police Station EOW Mandir Marg, Delhi is sought on the basis of affidavit of 15th May, 2019 of respondent No.2 and *Memorandum of Understanding* of 1st October, 2018 (*Annexure-5*).

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 he has been identified to be so, by SI Davender Singh, on the basis of identity proof produced by her.

Respondents No. 2, present in the Court submits that the misunderstanding between the parties has been amicably resolved vide aforesaid *Memorandum of Understanding* of 1st October, 2018

(Annexure-5) and terms thereof have been fully acted upon and that he has been duly compensated. Respondent No. 2 affirms the contents of his affidavit of 15th May, 2019 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 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 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 respondent No. 2 has been duly compensated and misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties.

Consequentially, this petition is allowed subject to costs of ₹1,00,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within four 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. 190/2008, under Sections 420/468/471/120B of IPC, registered at Police Station EOW Mandir Marg, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

JULY 17, 2019

p'ma

(SUNIL GAUR)
JUDGE

भारतमेव जयते