

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

Date of Order: February 20, 2019

+ **CRL.M.C. 939/2019 & CrI.M.A.3765/2019**

DHARMENDRA & ORS Petitioners

Through: Mr. Sudeep Dey, Advocate

versus

THE STATE & ORS Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with Inspector Hira Lal
Respondents No.2 to 5 in person

+ **CRL.M.C. 954/2019 & CrI.M.A.3804/2019**

SNEH KUMAR & ORS Petitioners

Through: Mr. R.S. Juneja and Mr. Yogesh
Kumar Rana, Advocates

versus

THE STATE OF DELHI & ORS Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with Inspector Hira Lal
Respondents No.2 to 5 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

The above-captioned two petitions relate to one incident and pertain to one FIR and so, with the consent of learned counsel for the parties, these petitions have been heard together and are being disposed of by this common order.

In the above-captioned two petitions, quashing of FIR

No.339/2014, under Sections 147/148/149/308/323 of IPC registered at Police Station Sonia Vihar, Delhi is sought on the basis of Affidavits of respondents No.2 to 5/complainant party, on the ground that 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 to 5, present in the Court, are the injured/complainant party of the FIR in question and they have been identified to be so, by Inspector Hira Lal on the basis of identity proof produced by them.

Respondents No.2 to 5, present in the Court, submit that the dispute between the parties has been amicably resolved vide *Compromise Deed* of 15th February, 2019 (*Annexure-C*) and the terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. They affirm the contents of aforesaid *Compromise Deed* and of their affidavits supporting this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, 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 complaint, 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;

Upon hearing and on perusal of the FIR in question, 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, now stands cleared between the parties.

Accordingly, these petitions are allowed subject to costs of ₹25,000/- in each petition to be deposited by petitioners with *Prime Minister's National Relief Fund* within four weeks from today. Upon placing on record the receipt of costs and furnishing its copy to the Investigating Officer of this case, FIR No.339/2014, under Sections 147/148/149/308/323 of IPC registered at Police Station Sonia Vihar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

The above-captioned two petitions and the applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRAURY 20, 2019

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