

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

Date of Order: February 20, 2019

+ **CRL.M.C. 955/2019 & CrI.M.A.3805/2019**

DEEPAK KAPIL Petitioner

Through: Mr.M.A.Niyazi, Advocate

versus

THE STATE (NCT OF DELHI) & ANRRespondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State with SI Varun
Mr. Chatanya Siddharth, Advocate
with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.95/2018, under Sections 420/406/34 of IPC registered at Police Station Hauz Khas, New Delhi is sought on the basis of Affidavit of 13th February, 2019 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 complainant/first-informant of the FIR in question and he has been identified to be so, by his counsel as well as by SI Varun on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide *Deed of Settlement* of 16th May, 2018 (*Annexure P/3*) and the terms thereof have been fully acted upon as today he has received a sum of ₹2.5 lacs by way of a Cheque bearing No. 203665 dated 20th February, 2019 and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Respondent No.2 affirms the contents of aforesaid *Deed of Settlement* and of his affidavit of 13th February, 2019 supporting this petition and submits that now no dispute with petitioner survives and so, the proceedings arising out of the FIR in question be brought to an end provided the aforesaid cheque is realized.

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 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, now stands cleared between the parties.

Accordingly, this petition is allowed subject to costs of ₹50,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within four weeks from today. Upon placing on record the receipt of cost and tendering its copy to Investigating Officer of this case, FIR No.95/2018, under Sections 420/406/34 of IPC registered at Police Station Hauz Khas, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner only provided the aforesaid cheque issued by petitioner to respondent No.2 is duly honoured.

This petition and the application are accordingly disposed of.

Dasti.

FEBRAURY 20, 2019

s

**(SUNIL GAUR)
JUDGE**

भारतमेव जयते