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

Date of Order: February 21, 2019

\+ CRL.M.C. 994/2019 & Crl.M.A. 3956/2019

PARESH KUMAR & ANR. ..... Petitioners
Through: Mr. R.K.Rahul, Advocates

Versus

STATE & ANR. ..... Respondents
Through: Mr. M.P.Singh, Additional Public Prosecutor for respondent-State with SI Shubhang
Mr. Ranveer Dabas, Advocate with respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R
(ORAL)

Quashing of FIR No.693/2015, under Sections 354-A/509/34 of IPC, registered at Police Station Preet Vihar, New Delhi is sought on the basis of Memorandum of Understanding of 6th August, 2018 *(Annexure P-6)* reached 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 Shubhang on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the

misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties in terms of Memorandum of Understanding of 6th August, 2018 *(Annexure P-6)*. Respondent No.2 affirms the contents of aforesaid Memorandum of Understanding of 6th August, 2018 *(Annexure P-6)* and her affidavit of 30th January, 2019 supporting this petition. She further submits that the proceedings arising out of the FIR in question be brought to an end provided petitioners issue "Relieving Letter" to her.

At this stage, petitioners' counsel submits that "Relieving Letter" would be issued to her during the course of the day.

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, this petition is allowed, subject to costs of ₹30,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within two weeks from today. Upon placing on record the receipt of costs and furnishing its copy to the Investigating Officer of this case and upon petitioners providing "Relieving Letter" from service to respondent No.2, FIR No.693/2015, under Sections 354-A/509/34 IPC, registered at Police Station Preet Vihar, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 21, 2019
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