

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 25, 2019

+ **CRL.M.C. 1077/2019**

ANIL SHARMA & ORS.

.....Petitioners

Through: Mr. Mayank Mehandru and
Ms. Charu Tandon, Advocates

Versus

STATE OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Neeraj Kumar
Mr. Wasir Khan and Mr. Shubham
Vishwakarma with respondents in
person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.4270/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1077/2019

Quashing of FIR No. 1291/2015, under Sections 420/34/120B of IPC registered at police station Kotla Mubarakpur, Delhi is sought on the basis of Memorandum of Understanding of 30th January, 2019 and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondents present in the Court, are complainants/first-informants of the FIR in question and they have been identified to be so, by their counsel as well as by SI Neeraj Kumar on the basis of identity proof produced by them.

Respondents, present in the Court, affirm the contents of aforesaid Memorandum of Understanding of 30th January, 2019 and their affidavits supporting this petition. Respondents submit that the dispute between the parties now stands amicably resolved 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 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;

Since the dispute between the parties has been amicably resolved, therefore, continuance of proceedings arising out of the FIR in question

would be an exercise in futility.

Accordingly, FIR No. 1291/2015, under Sections 420/34/120B of IPC registered at police station Kotla Mubarakpur, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRAURY 25, 2019

v

