

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

Date of Order: February 25, 2019

+ CRL.M.C. 1063/2019 & CrI.M.A. 4236/2019

NARENDER DUTT SHARMA & ANR. Petitioners

Through: Ms. Manju Dutt, Advocate

Versus

THE STATE & ANR. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with SI Madan Mohan
Mr. Roopak Gaur, Advocate with
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.323/2013, under Sections 323/354A(1)(i)/506/509/34 IPC, registered at police station Ranhola, Delhi is sought on the basis of affidavit of 21st January, 2019 of respondent No.2.

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 she has been identified to be so, by her counsel as well as by SI Madan Mohan on the basis of identity proof produced by her.

Respondent No.2, present in the Court, affirms the contents of her Affidavit of 21st January, 2019 supporting this petition and submits that

the misunderstanding between the parties now stands cleared 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 misunderstanding between the parties has been now cleared, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within two weeks from today. Upon placing on record the receipt of cost within a week, and tendering its copy to the Investigating Officer of this case, FIR No.323/2013, under Sections 323/354A(1)(i)/506/509/34 IPC, registered at police station Ranhola, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRAURY 25, 2019

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