

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

Date of Order: February 26, 2019

+ CRL.M.C. 1101/2019 & CrI.M.A. 4329/2019

KULDEEP

..... Petitioner

Through: Mr. Ajay Kumar, Advocate

Versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with WSI Vidya
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.179/2014, under Sections 354D/506 IPC, registered at police station Paschim Vihar, Delhi is sought on the basis of affidavit of 5th January, 2019 of respondent No.2.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 WSI Vidya on the basis of identity proof produced by her.

Respondent No.2, present in the Court, affirms the contents of her Affidavit of 5th 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, FIR No.179/2014, under Sections 354D/506 IPC, registered at police station Paschim Vihar, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRAURY 26, 2019

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