

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 27, 2019

+ CRL.M.C. 1130/2019 & CrI.M.A. 4420/2019

ANIL KUMAR

..... Petitioner

Through: Mr. Javed Ashraf Khan, Advocate

Versus

STATE & ORS.

..... Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI Prem Pal Sharma
Mr. Mohd. Ayaz, Advocate with
respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 625/2018, under Sections 323/324 IPC, registered at police station Mukherjee Nagar, Delhi is sought on the basis of affidavits of 6th February, 2019 of second and third respondents.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 & 3, present in the Court, are the complainant party of the FIR in question and they have been identified to be so, by SI Prem Pal Sharma on the basis of identity proof produced by them.

Respondents No.2, wife of petitioner and respondent No.3, daughter of petitioner, submit that the misunderstanding between the parties now stands cleared and they are happily living with petitioner for last two months. Respondents No.2 and 3 affirm the contents of their Affidavits of 6th February, 2019 supporting this petition and submit that to restore cordiality amongst the parties, 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 now stands cleared, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 625/2018, under Sections 323/324 IPC, registered at police station Mukherjee Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

FEBRUARY 27, 2019

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