

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

Date of Order: February 27, 2019

+ CRL.M.C. 1157/2019 & CRL.M.A. 4499/2019

MANOJ NAGPAL & ORS.

..... Petitioners

Through: Ms. Purnima Maheshwari,
Advocate with petitioners in
person

Versus

STATE & ORS.

..... Respondents

Through: Mr. M. P.Singh, Additional Public
Prosecutor for respondent No.1-
State with SI Dharmendra
Mr. D.K.Singh, Advocate with
respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 103/2018, under Sections 420/406/ 120B/34 IPC, registered at police station Safdarjung Enclave, New Delhi is sought on the basis of affidavits for respondents No.2 & 3.

Upon notice, Mr. M.P.Singh, 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 their counsel as well as by SI Dharmendra on the basis of identity proof produced by them.

Respondents No.2 & 3, present in the Court, submit that the dispute between the parties has been amicably resolved and settlement

has been acted upon, as today they have received amount of ₹15,00,000/- by way of demand draft bearing No. 978889, dated 25th February, 2019, drawn on Vijaya Bank, Branch Nehru Place, New Delhi from petitioners and now no dispute with petitioners survives. They affirm the contents of their affidavits of 26th February, 2019 filed in support of this petition and submit that the proceedings arising out of 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 now stands mutually and amicably resolved, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition and the application are allowed subject to costs of ₹75,000/- to be deposited by petitioners with *Prime Minister's*

National Relief Fund within one week from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, of FIR No. 103/2018, under Sections 420/406/120B/34 IPC, registered at police station Safdarjung Enclave, New Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and application are accordingly disposed of.

Dasti.

FEBRUARY 27, 2019

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**(SUNIL GAUR)
JUDGE**



भारतमेव जयते