

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

Date of Order: February 28, 2019

+ CRL.M.C. 1177/2019 & CrI.M.A. 4572/2019

NIMISH JAIN & ANR.

..... Petitioners

Through: Mr. Rajeev Kumar, Advocates

Versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with SI Hari Ram
Ms. Anusuya, Advocate with
respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 578/2014, under Sections 406/498-A/34 IPC, registered at police station Safdarjung Enclave, New Delhi is sought on the basis of Settlement Deed of 1st November, 2018 (*Annexure P-2*).

Upon notice, Mr. Izhar Ahmed, Additional Public Prosecutor for respondent No.1-State, submits that respondent No.2, present in the Court, is the complainant/ first-informant of FIR in question and she has been identified to be so, by her counsel as well as by SI Hari Ram on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved vide Settlement Deed of

1st November, 2018 (*Annexure P-2*) and terms thereof have been fully acted upon, as today she has received amount of ₹5,00,000/- by way of demand draft bearing No. 888808, dated 26th February, 2019, drawn on Syndicate Bank, Branch Chandni Chowk, Delhi from petitioners. She affirms the contents of aforesaid Settlement Deed of 1st November, 2018 (*Annexure P-2*) and her affidavit of 13th February, 2019 filed in support of this petition and submits that now no dispute with petitioners survives 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 now stands mutually and amicably resolved, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 578/2014, under Sections 406/498-A/34 IPC, registered at police station Safdarjung Enclave, New Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 28, 2019

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