

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

Date of Order: March 11, 2019

+ **CRL.M.C. 1318/2019**

VINAY MEHNDIRATTA Petitioner

Through: Mr. Anil Sharma & Mr. Arun
Baali, Advocates.

Versus

STATE & ANR. Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with SI Pankaj
Mr. Kunal Nath, Advocate with
respondent No.2 in person.

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
(ORAL)

Quashing of FIR No. 63/2019, under Sections 182/406 of IPC registered at police station Kirti Nagar, New Delhi is sought on the basis of Affidavit of 7th March, 2019 of respondent No.2/complainant and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Kunal Nath, Advocate, accepts notice on behalf of respondent No.2.

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 he has been identified to be so, by his counsel as well as by SI Pankaj on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved and in terms thereof amount of ₹34,00,000/-, lying deposited in police station Kirti Nagar, New Delhi, is to be released to him. Respondent No.2 affirms the contents of his Affidavit of 7th March, 2019 supporting this petition and submits that now, no dispute with petitioner survives and subject to release of aforesaid amount, the proceedings arising out of the FIR in question be brought to an end.

Petitioner's counsel submits that there is no objection to release of ₹34,00,000/- lying deposited in police station Kirti Nagar, New Delhi to respondent No.2/complainant.

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;”

Upon hearing and on perusal of the FIR of this Case, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to costs of ₹30,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within two weeks 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, FIR No. 63/2019, under Sections 182/406 of IPC registered at police station Kirti Nagar, New Delhi and the proceedings emanating therefrom shall stand quashed. SHO, Kirti Nagar, New Delhi is directed to forthwith release ₹34,00,000/- recovered from petitioner to respondent No. 2.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 11, 2019

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