

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: March 13, 2019

+ **CRL.M.C. 1374/2019 and CRL.M.As. 5456-5457/2019**

MOHD JAVED & ORS

.....Petitioners

Through: Mr. Mashhood Ul Haq and Mr.
Irfan, Advocates

Versus

THE STATE (GOVT OF NCT OF DELHI)& ANR.....Respondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with W/SI
Anita
Mr. Safuddin, Advocate with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 130/2016, under Sections 354/354B/323/34 and 509 of *IPC*, registered at police station Chandni Mahal, New Delhi is sought on the basis of *affidavit* of 26th February, 2019 of respondent No. 2 and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Upon notice, learned 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 W/SI Anita on the basis of identity proof produced by her.

Respondent No. 2, present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and affirms the contents of aforesaid affidavit of 26th February, 2019. Respondent No.2 submits that now misunderstanding with petitioners stands cleared and so, to restore the cordiality amongst the parties, who are related to each other, 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;”

In the facts and circumstances 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 in

question, now stands cleared between the parties.

Accordingly, FIR No. 130/2016, under Sections 354/354B/323/34 and 509 of *IPC*, registered at police station Chandni Mahal, New Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 13, 2019
p'ma

