

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

+ **CRL.M.C. 1349/2019 and Crl.M.A. 5393/2019**

CHANDAN @ GAURAV JHA

..... Petitioner

Through: Mr. Pradeep Kumar Bhardwaj,
Advocate

Versus

THE STATE OF NCT OF DELHI & ORSRespondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Devinder Singh
Mr. R.K. Shukla, Mr. Mohan
Singh, Advocates with Respondent
No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 876/2016, under Section 354(A) of *IPC*, registered at police station Aman Vihar, Delhi is sought on the basis of *affidavit* of respondent No. 2 of 25th January, 2019 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 ASI Devinder Singh, 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 25th January, 2019. Respondent No.2 submits that now there is no grievance against petitioner and so, to restore the cordiality between 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.

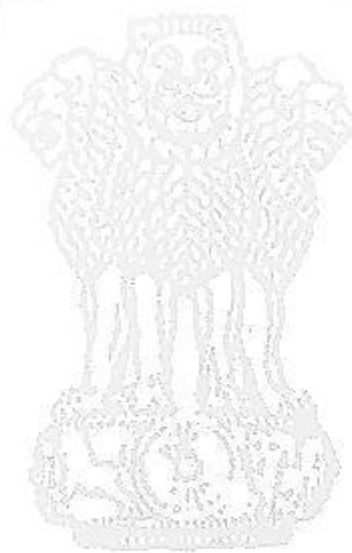
Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within a week from today. Upon placing on record the receipt of cost, FIR No. 876/2016, under Section 354(A) of *IPC*, registered at police station Aman Vihar, Delhi shall stand quashed *qua* petitioners.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 13, 2019
p'ma



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