

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

Date of Order: March 14, 2019

+ **CRL.M.C. 1390/2019 & Crl.M.A. 5544-45/2019**

DEVENDER KUMAR GOEL Petitioner

Through: Mt. Mukesh Kalia & Ms. Sukhi
Gupta, Advocates.

Versus

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

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with ASI Praveen
Kumar.
Respondents No. 2 to 4 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 459/2015, under Sections 287/304A/506 IPC, registered at police station Paharganj, Delhi is sought by petitioner on the basis of affidavits of respondents, i.e. the complainant party.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent No.2 is the complainant of FIR in question and respondent No.3 is the wife of deceased- *Ramaswami* and respondent No. 4 is the son deceased and they have been identified to be so, by ASI Praveen Kumar on the basis of identity proof produced by them.

Respondent No.3 present in the Court, submits that petitioner's factory had accidentally caught fire and at that time petitioner was not present there and that petitioner is not responsible for her husband's death. Respondents No.3 and 4 submit that they have been duly compensated by petitioner. Respondents affirm the contents of their affidavits filed in support of this petition and submit that 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”.

In the facts and circumstances of this case, I find that continuance of proceedings arising out of FIR in question would be an exercise in futility. 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. 459/2015, under Sections 287/304A/506 IPC, registered at police station Paharganj, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 14, 2019

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