

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: March 18, 2019

+ **CRL.M.C. 1443/2019 & CRL.M.A. 5761/2019**

RAJESH VINAYAK Petitioner

Through: Mr. Vijay Sharma, Advocate.

Versus

STATE & ANR. Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Kamlesh Kumar.
Mr. Anuj Pal, Advocate with
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 166/2018, under Sections 354A/509 of IPC registered at police station D.B.G. Road, Delhi is sought on the basis of Affidavit of 6th March, 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—State submits that respondent No.2, present in the Court, is the complainant/first-informant of the FIR in question and she has been identified to be so, by SI Kamlesh Kumar on the basis of identity proof produced by her. .

Respondent No.2-*Poonam Narang*, present in the Court, submits

that the misunderstanding between the parties has been now cleared and she affirms the contents of aforesaid Affidavit of 6th March, 2019 supporting this petition and submits that to restore the cordiality between the parties, who are neighbours, 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, 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 two weeks from today. Upon placing on record the receipt of cost and handing over its copy to Investigation Officer, FIR No. 166/2018, under Sections 354A/509 of IPC registered at police station D.B.G. Road, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and the application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 18, 2019

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