

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 05, 2019

+ **CRL.M.C. 1465/2019**

MEENU

.....Petitioner

Through: Mr. Shamsheer Ali & Mr. Chandan
Kumar, Advocates

Versus

THE STATE (N.C.T OF DELHI) & ANR.

.....Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State
Mr. Sunil Fernandes, Standing
Counsel with Ms. Anjo Thomas &
Mr. Darpan Sachdeva, Advocates
for respondent No.2-BSES

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 53/2018, under Section 135 of Indian Electricity Act, 2003 registered at police station Mehrauli, New Delhi is sought in this petition on the basis of Settlement of 10th February, 2018 reached between the parties at Special Lok Adalat .

Mr. Izhar Ahmad, learned Additional Public Prosecutor accepts notice on behalf of respondent-State.

Mr. Sunil Fernandes, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved between the parties in terms of Settlement of 10th February, 2018 reached between the parties at Special Lok Adalat and so, 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 proceedings, 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.”

Since the subject matter of this FIR now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 53/2018, under Section 135 of Indian Electricity Act, 2003 registered at police station Mehrauli, New Delhi and the proceedings emanating therefrom are quashed *qua* petitioner.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 05, 2019

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