

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

Date of Order: March 19, 2019

+ **CRL.M.C. 1517/2019 & Crl.M.A. 6010-11/2019**

KIRAN KUMAR ANAND & ANR. Petitioners
Through: Mr. Mayank Sawhney, Advocate.

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.
Ms. Kanika Sawhney, Advocate
with respondent No.2 in person.
Ms. Vandana Anand, Advocate for
respondents No.3 to 4 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 338/2016, under Sections 323/ 506/452/34 IPC, registered at police station K.N. Katju Marg, New Delhi is sought on the basis of mediated settlement of 1st August, 2017 (Annexure P-10) and affidavit of 6th March, 2019 of respondent No. 2 and on the ground that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that initially FIR in this case was registered under

Section 406 IPC, but subsequently charge sheet has been filed for the offences under Sections 323/506/452/34 IPC. Learned Additional Public Prosecutor for respondent-State further submits that respondent No.2, present in the Court, is the complainant/ first-informant of FIR in question and he has been identified to be so, by ASI Praveen Kumar, on the basis of identity proof produced by him.

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 in terms of mediated settlement of 1st August, 2017 (Annexure P-10). Respondent No.2 affirms the contents of his affidavit of 6th March, 2019 supporting this petition and submits that now, no grievance against petitioners as well as respondents No.3 & 4 survives 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 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 ₹15,000/- to be equally deposited by petitioner No. 1 and respondents No.3 & 4 with *Prime Minister's National Relief Fund* within a week 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. 338/2016, under Sections 323/ 506/452/34 IPC, registered at police station K.N. Katju Marg, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners and respondents No.3 & 4.

This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 19, 2019

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