

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

Date of Order: March 20, 2019

+ **CRL.M.C. 1535/2019**

RAKESH KUMAR @ RAJESH & ORS.Petitioners
Through: Mr. N.K.Sinha, Advocate.

Versus

STATE & ANR.Respondents
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with ASI Ram Kishan.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 929/2016, under Sections 323/354/506/509/34 IPC, registered at police station Mehrauli, New Delhi is sought on the basis of mediated settlement of 27th October, 2016 (Annexure P-2) and affidavit of 7th 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 later on Section 354 B IPC was also added in this case. Learned Additional Public Prosecutor for respondent-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 Ram Kishan, 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 in terms of mediated settlement of 27th October, 2016 (Annexure P-2). Respondent No.2 affirms the contents of her affidavit of 7th March, 2019 supporting this petition and submits that now, no grievance against petitioners survives and to restore cordiality amongst parties, who are neighbours, 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 petitioners 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. 929/2016, under Sections 323/354B/506/509/34 IPC, registered at police station Mehrauli, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

MARCH 20, 2019

r

**(SUNIL GAUR)
JUDGE**

भारतमेव जयते