

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

Date of Order: March 25, 2019

+ **CRL.M.C. 1554/2019 & Crl.M.A. 6237/2019**

DEVENDER KUMAR @ DHIRENDER & ORS.Petitioners

Through: Mr. Kunwar Nagendra &
Mr. Narender Kumar, Advocates.

Versus

STATE & ANR.Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-Statewith ASI Ravinder
Kumar.
Mr. Manzar Anis & Ms. Sanjana
Premi, Advocates with respondents
No.2 to 4 in person.

+ **CRL.M.C. 1537/2019 & Crl.M.A. 6136/2019**

SH. ABDUL KALIM & ORS.Petitioners

Through: Mr. Manzar Anis & Ms. Sanjana
Premi, Advocates.

Versus

STATE & ORS.Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State with ASI Ravinder
Kumar.
Mr. Kunwar Nagendra &
Mr. Narender Kumar, Advocates
with respondents No.2 to 6 in
person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned first petition [CRL.M.C. 1554/2019], quashing of FIR No. 220/2013, under Sections 308/324/452/323/427/34 IPC and in the above captioned second petition [CRL.M.C. 1537/2019], cross FIR No.221/2013, under Sections 308/341/323/34 IPC, both registered at police station Sonia Vihar, Delhi is sought on the basis of affidavits of complainant party and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that *Abdul Gani* is complainant of FIR No. 220/2013 and *Ram Niwas* is the complainant of FIR No.221/2013 and complainant party are present in the Court and they have been identified to be so, by their counsel as well as by ASI Ravinder Kumar on the basis of identity proof produced by them.

The complainant party present in the Court, submit that the misunderstanding, which led to registration of FIRs in question, now stands cleared between the parties. Respondents No.2 to 4 in the above captioned first petition, affirms the contents of their Affidavits of 15th March, 2019 supporting this petition. Similarly, respondents No.2 to 6 in above captioned second petition, affirms the contents of their Affidavit of 13th March, 2019 supporting this petition. They submit that now,

misunderstanding between the parties who are neighbours, now stands cleared and so, proceedings arising out of the FIRs 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;”

Upon hearing and on perusal of the FIR of this Case, I find that continuance of proceedings arising out of the FIRs in question would be an exercise in futility as the misunderstanding, which led to registration of these FIRs, now stands cleared between the parties.

Accordingly FIR No. 220/2013, under Sections 308/324/452/323/427/34 IPC and cross FIR No.221/2013, under Sections 308/341/323/34 IPC, both registered at police station Sonia Vihar, Delhi and the proceedings emanating therefrom are hereby quashed.

The above captioned two petitions and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 25, 2019

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