

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: March 25, 2019

+ **CRL.M.C. 1553/2019 & CRL.M.As. 6232-6233/2019**

RAHUL YADAV

..... Petitioner

Through: Mr. Brijender Singh Dhull,
Advocate

Versus

STATE & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Satender
Ms. Anju Thomas, Advocate for
Respondent No. 2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 327/2015, under Section 135 of *The Indian Electricity Act, 2003* registered at police station Mehrauli, Delhi is sought on the basis of *No Dues Certificate of 30th January, 2015 (Annexure P-2)* issued by respondent No.2/complainant/first-informant of the FIR in question

Ms. Anju Thomas, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved between the parties and *No Dues Certificate* has been already issued by

respondent No.2/complainant/first-informant of the FIR in question 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;”

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, 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 proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 327/2015, under Section 135 of *The Indian Electricity Act, 2003* registered at police station Mehrauli, Delhi and the

proceedings emanating therefrom shall stand quashed.

This petition and applications are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 25, 2019

p'ma

