

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

+ **CRL.M.C. 1819/2019 & CRL.M.A. 7288/2019**

SH. SATYENDER TOMAR & ANRPetitioners

Through: Mr. Gaurav Vashisth, Ms. Rita
Rana & Mr. Vishwas Ahuja,
Advocates.

Versus

STATE & ANRRespondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Sumit Kumar.

+ **CRL.M.C. 1836/2019 & CRL.M.A. 7334/2019**

SH. PAWAN KUMAR SAINI Petitioner

Through: Mr. Gaurav Vashisth, Ms. Rita
Rana & Mr. Vishwas Ahuja,
Advocates

Versus

STATE & ORSRespondents

Through: Mr. M.S. Oberoi, Additional Public
Prosecutor for State with SI Sumit.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions quashing of cross FIR Nos.
755/2015 under Sections 323/341/354(B)/451/506/509/34 of IPC and FIR

No. 754/2015 under Sections 341/354(B)/451/509/34 of IPC both registered at police station Jyoti Nagar, Delhi are sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that complainant-parties of cross FIR Nos. 755/2015 & 754/2015 are present in the Court and they have been identified to be so, by SI Sumit Kumar on the basis of identity proof produced by them.

Complainants/parties of cross FIR Nos. 755/2015 & 754/2015 affirm the contents of their affidavits of 29th March, 2019 and submit that the misunderstanding, which led to registration of the cross FIRs in question, now stands cleared between the parties and that now, no grievance between parties survives and so, to restore cordiality between the 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 cross FIRs in question would be an exercise in futility as the misunderstanding, which led to registration of these cross FIRs, now stands cleared amongst the parties.

Accordingly, cross FIR No. 755/2015 under Sections 323/341/354(B)/451/506/509/34 of IPC and FIR No. 754/2015 under Sections 341/354(B)/451/509/34 of IPC registered at police station Jyoti Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

These petitions and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 05, 2019
p'ma