

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 10, 2019

+ **CRL.M.C. 1928/2019**

SH. VAJINDER DUTT & ANR.Petitioners
Through: Mr. Anil Kumar and Mr. Rajendra
Kumar, Advocates.

versus

STATE & ORS.Respondents
Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with SI Sunil Chandra.
Respondents No. 2 and 3 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 7648/2019 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 1928/2019

Quashing of FIR No. 385/2002, under Sections 452/354/380 of IPC, registered at Police Station Moti Nagar, Delhi is sought on the basis of affidavit of 5th April, 2019 of respondents No. 2 and 3 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-State submits that respondents No.2 and 3 present in the Court, are the complainant/first-informant of FIR in question and they have been

identified to be so, by SI Sunil Chandra, on the basis of identity proof produced by them.

Respondents No. 2 and 3 present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and submits that now, no grievance against petitioners survive and so, to restore cordiality between the parties, who are friends, 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. 385/2002, under Sections 452/354/380 of IPC, registered at Police Station Moti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

APRIL 10, 2019

v

**(SUNIL GAUR)
JUDGE**



भारतमेव जयते