

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

*Date of Order: April 11, 2019*

+ **CRL.M.C. 1951/2019**

SUNIL & ANR

.....Petitioners

Through: Mr. G.D. Sharma, Advocate.

versus

THE STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional  
Public Prosecutor for respondent-  
State with SI Naeem Ali.  
Mr. N.K. Mishra, Advocate with  
respondent No. 2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

**CRL.M.A.7718/2019 (Exemption)**

Allowed subject to all just exceptions.

**CRL.M.C. 1951/2019**

Quashing of FIR No. 338/2009, under Sections 324/34 of IPC, registered at Police Station Bhajan Pura, Delhi is sought on the basis of affidavit of 8<sup>th</sup> April, 2019 of respondent No. 2 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 respondent No.2 present in the Court, is the complainant/first-informant of FIR in question and he has been identified to be so, by SI Naeem Ali, on the basis of identity proof produced by him.

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. She affirms the contents of her aforesaid affidavit of 8<sup>th</sup> April, 2019 supporting this petition and submits that now, no grievance against petitioners survives 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 proceedings, 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. 338/2009, under Sections 324/34 of IPC, registered at Police Station Bhajan Pura, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

*Dasti.*

**APRIL 11, 2019**

v

**(SUNIL GAUR)  
JUDGE**



सत्यमेव जयते