

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

Date of Order: April 16, 2019

+ **CRL.M.C. 2046/2019 & CRL.M.A. 8125/2019**

MS. SHREYA SHARMA & ORS.Appellants

Through: Mr. Sunil Sharma, Advocate.

Versus

STATE & ORS.Respondents

Through: Mr. Mukesh Kumar, Additional
Public Prosecutor for State with SI
Parveen Kumar.

Respondent Nos. 2 to 4 in person.

+ **CRL.M.C. 2050/2019 & CRL.M.A. 8142/2019**

PARAS ANEJA & ORS.Appellants

Through: Mr. Nikhil Malhotra, Advocate.

Versus

STATE & ORS.Respondents

Through: Mr. Mukesh Kumar, Additional
Public Prosecutor for State with SI
Parveen Kumar.

Respondent Nos. 2 to 4 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

In the above captioned two petitions, quashing of cross FIRs i.e. FIR No. 142/2019 under Sections 323/354/509/34 of IPC and FIR No. 141/2019 under Sections 323/354/509/34 of IPC both registered at Police Station Tilak Nagar, Delhi is sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

Both the FIRs relate to one incident and so with the consent of learned counsel for the parties, both these petitions have been heard together and are being disposed of by this common order.

Upon notice, learned Additional Public Prosecutor submits that Smt. Seema Aneja, present in the court was also injured in this incident. She has handed over her affidavit to the Court today and it is taken on record.

Learned Additional Public Prosecutor for respondent-State submits that complainant-party/injured of cross FIR Nos. 142/2019 & 141/2019 are present in the Court and they have been identified to be so, by SI Parveen Kumar on the basis of identity proof produced by them.

Complainants/Injured of cross FIR Nos. 142/2019 & 141/2019 affirm the contents of their affidavits 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 against each other survives and so, to restore cordiality amongst the parties, who are neighbours, proceedings arising out of the cross 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 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 cross FIRs in question, would be an exercise in futility as the misunderstanding, which led to registration of these cross FIRs, now stands cleared between the parties.

Accordingly, both the petitions are allowed, subject to costs of ₹10,000/- each in these two petitions 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, cross FIR Nos. 142/2019 under Sections 323/354/509/34 of IPC and FIR No. 141/2019 under Sections 323/354/509/34 of IPC both registered at Police Station Tilak Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 16, 2019

p'ma