

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 24, 2019

+ **CRL.M.C. 2156/2019 & CRL.M.A. 8602/2019**

ASHOK KAUSHIK & ANR

.....Petitioners

Through: Mr. Yudhvir Singh Chauhan & Mr.
Gaurav Sarawat, Advocates.

Versus

STATE (GOVT. OF NCT OF DELHI) & ORSRespondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with
ASI Rakesh Singh
Ms. Mallika Parmar, Advocate
with Attorney of Respondent No. 2
& respondent No. 3 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 484/2016, under Sections 354-A/323/509/34 of IPC, registered at Police Station Dwarka South, New Delhi is sought on the basis of affidavits of 5th April, 2019 of Respondent No. 3 and Attorney of Respondent No. 2 and 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. 3 and Attorney of Respondent No. 2 are present in the Court and they have been identified to be so, by ASI Rakesh Singh, on the basis of identity proof produced by them.

Ms. Sneha Lata, Special Power of Attorney of Respondent No. 2 present in the Court, submits that she is authorized to appear and depose on behalf of Respondent No. 2.

Attorney of Respondent No. 2 and Respondent No. 3 submit that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives and so, to restore cordiality amongst 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 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 amongst 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 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. 484/2016, under Sections 354-A/323/509/34 of IPC, registered at Police Station Dwarka South, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

APRIL 24, 2019

p'ma

**(SUNIL GAUR)
JUDGE**