

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 26, 2019

+ **CRL.M.C. 2203/2019**

NISHA GUPTA & ORS.Petitioners
Through: Mr. R.N. Dubey, Advocate
Versus

STATE (NCT OF DELHI) & ORS. Respondents
Through: Mr. M.P.Singh, Additional
Public Prosecutor for
respondent No.1-State with SI
Sandeep
Respondents No.2 & 3 in
person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A. 8806/2019 (exemption)

Allowed subject to all just exceptions.

Crl.M.A. 8805/2019 (stay)

Dismissed as infructuous.

CRL.M.C. 2203/2019

Quashing of FIR No. 136/2013 and chargesheet under Sections 323/354/458/506/427/34 of IPC, registered at Police Station Begum Pur, New Delhi is sought on the basis of affidavits of 9th April, 2019 of respondents No. 2 & 3 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 respondents No.2 & 3 present in the Court, are the complainant party of FIR in question and they have been identified to be so, by SI Sandeep, on the basis of identity proof produced by them.

Respondents No. 2 & 3 present in the Court, submit that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and now, no grievance against petitioners survives and so, to restore cordiality between the parties, who are related to each other, 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 ₹50,000/- 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. 136/2013 and chargesheet under Sections 323/354/458/506/427/34 of IPC, registered at Police Station Begum Pur, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 26, 2019

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