

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

Date of Order: April 26, 2019

+ **CRL.M.C. 2202/2019**
HARSH BRAR

.....Petitioner

Through: Mr. Kishan Singh Chauhan,
Advocate

Versus

THE STATE & ANR

.....Respondents

Through: Mr.M.S. Oberoi, Additioanl Public
Prosecutor with SI Shiv Raj
Mr. Vikrant Choudhary, Advocate
with respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.521/2015, under Sections 354(A)/506 of IPC & 8 POCSO (*The Protection of Children from Sexual Offences Act, 2012*) registered at Police Station Jaitpur, Delhi is sought on the basis of affidavit of 15th April, 2019 of respondent No. 2 and on the ground that petitioner is a student and 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 she has been identified to be so, by SI Shiv Raj, on the basis of identity proof produced by her.

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 and now, no grievance against petitioner survives and petitioner is no longer residing in her neighbourhood and so, 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 petitioner is a student and since the misunderstanding between the parties now stands cleared, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of ₹50,000/-

to be deposited by petitioner 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.521/2015, under Sections 354(A)/506 of IPC & 8 POCSO (*The Protection of Children from Sexual Offences Act, 2012*) registered at Police Station Jaitpur, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 26, 2019

v



मत्स्यमेव जयते