

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 29, 2019

+ **CRL.M.C. 2243/2019 & CRL.M.As. 8961-8962/2019**

RAHUL SHARMA & ORSPetitioners

Through: Mr. Vivek Bhardwaj, Advocate.

Versus

THE STATE OF NCT OF DELHI & ORSRespondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI
Kaushik Ghosh.
Mr. Abhishek Kumar, Advocate
with Respondent No. 2 in person.

+ **CRL.M.C. 2287/2019 & CRL.M.A. 9061-9062/2019**

SUNIL KUMAR SHARMA & ANRPetitioners

Through: Mr. Vivek Bhardwaj, Advocate.

Versus

THE STATE OF NCT OF DELHI & ANRRespondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI
Kaushik Ghosh.
Mr. Abhishek Kumar, Advocate
with Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions, quashing of FIR No. 66/2015 under Sections 354/506/509/34 of IPC and FIR No. 347/2015 under

Sections 498-A/406/34 of IPC, both registered at Police Station Shahdara, Delhi are sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

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 for respondent-State submits that complainants-party-Pooja of FIR No. 66/2015 & FIR No. 347/2015 is present in the Court and she have been identified to be so, by SI Kaushik Ghosh, on the basis of identity proof produced by her.

Complainant/party-Pooja of FIR No. 66/2015 & FIR No. 347/2015 affirm the contents of her affidavit of 19th February, 2019 and submit that the misunderstanding, which led to registration of these FIRs in question, now stands cleared amongst the parties and that now, no grievance against each other survives and so, to restore cordiality amongst the parties, proceedings arising out of these 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 these FIRs in question, would be an exercise in futility as the misunderstanding, which led to registration of these FIRs, now stands cleared amongst 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, FIR No. 66/2015 under Sections 354/506/509/34 of IPC and FIR No. 347/2015 under Sections 498-A/406/34 of IPC, both registered at Police Station Shahdara, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 29, 2019
p'ma