

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

Date of Order: May 02, 2019

+ **CRL.M.C. 2368/2019 & CRL.M.A. 9404/2019**

KISHAN ANAND & ANRPetitioners

Through: Mr. Niraj Chaudhary, Advocate.

Versus

THE STATE & ANRRespondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Rahul Kumar
Mr. A.S. Sharma, Advocate with
Respondent No. 2 in person.

+ **CRL.M.C. 2376/2019 & CRL.M.A. 9463/2019**

DARSHAN LAL & ORSPetitioners

Through: Mr. A.S. Sharma, Advocate.

Versus

THE STATE & ORSRespondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Rahul Kumar
Mr. Niraj Chaudhary, Advocate
with Respondent Nos. 2 & 3 in
person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions, quashing of cross FIR Nos. 741/2016 under Sections 323/354-B/451/506/509/34 of IPC and FIR No. 742/2016 under Sections 323/324/354/509/34 of IPC both registered at Police Station Shakarpur, East District, Delhi is 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 of cross FIR Nos. 741/2016 & 742/2016 are present in the Court and they have been identified to be so, by SI Rahul Kumar on the basis of identity proof produced by them.

Complainants/party of cross FIR Nos. 741/2016 & 742/2016 affirm the contents of their affidavits of 29th April, 2019 and submit that the misunderstanding, which led to registration of the cross FIRs in question, now stands cleared amongst the parties and that now, no grievance between parties 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 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, these petitions are allowed subject to consolidate costs of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within a week from today. Petitioner-Darshan Lal voluntary submits that he would deposit the costs. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, Cross FIRs 741/2016 under Sections 323/354-B/451/506/509/34 of IPC and FIR No. 742/2016 under Sections 323/324/354/509/34 of IPC both registered at Police Station Shakarpur, East District, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.
Dasti.

(SUNIL GAUR)
JUDGE

MAY 02, 2019
p'ma

