

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 03, 2019

+ **CRL.M.C. 2413/2019 & CRL.M.A. 9543/2019**

SADDAM ANSARI

..... Petitioner

Through: Mr. Yogesh K.Chandna, Advocate.

Versus

STATE & ORS.

.....Respondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI Usman
Ali.
Respondent Nos. 2 to 4 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 36/2017, under Sections 363 of IPC, registered at Police Station Anand Parbat, Delhi is sought on the basis of affidavits of 1st May, 2019 of respondent Nos. 2 to 4 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 Nos. 2 to 4 present in the Court, are the complainants/first-informant of FIR in question and they have been identified to be so, by SI Usman Ali, on the basis of identity proof produced by them.

Respondent Nos. 2 to 4 present in the Court, affirm the contents of their affidavits of 1st May, 2019 and submit 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 so, to restore cordiality between the parties, 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 ₹10,000/-

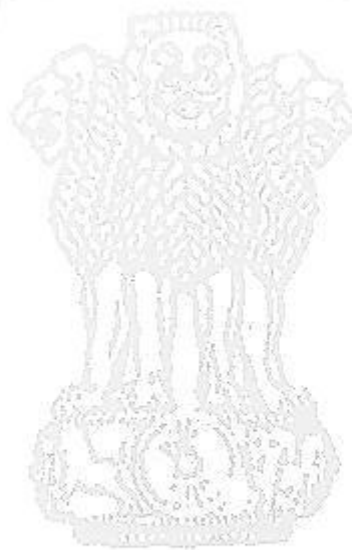
to be deposited by petitioners with *Prime Minister's National Relief Fund* within a week from today. Upon placing on record the proof of deposit of costs within two weeks thereafter and handing over its copy to the Investigating Officer, FIR No. 36/2017, under Sections 363 of IPC, registered at Police Station Anand Parbat, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

MAY 03, 2019
p'ma

(SUNIL GAUR)
JUDGE



भारतमेव जयते