

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 07, 2019

+ **CRL.M.C. 2459/2019**
KAKE @ VIKASH & ORSPetitioners
Through: Mr. Rahul Mishra, Advocate
versus

THE STATE OF N.C.T OF DELHI & ANRRespondents
Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI Rajeev Kumar
Respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.9748/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2459/2019

Quashing of FIR No.44/2018, under Sections 354(B)/323/509/34 of IPC, registered at police station Harsh Vihar, Delhi is sought on the basis of affidavit of 3rd May, 2019 of respondent No. 2 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 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 Rajeev Kumar, on the basis of identity proof produced by her.

Respondent No. 2 present in the Court, affirms the contents of her affidavit of 3rd May, 2019 and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and now, no grievance against petitioners remains and so, to restore cordiality amongst the parties, who are residing in the same locality, the 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 a week thereafter and handing over its copy to the Investigating Officer, FIR No.44/2018, under Sections 354(B)/323/509/34 of IPC, registered at police station Harsh Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 07, 2019

v



सत्यमेव जयते