

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

Date of Order: May 07, 2019

+ **CRL.M.C. 2463/2019 & Crl.M.A. 9763/2019**

S.R. KATOCH

..... Petitioner

Through: Mr. H.S. Sharma, Advocate

Versus

THE STATE & ANR.

.....Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with SI Alok Bajpai
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 49/2008, under Sections 406/409/420/468/471/120B IPC, registered at Police Station EOW Crime Branch, New Delhi is sought on the basis of affidavit of 22nd April, 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. It is submitted that there is no forgery angle involved.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 Alok Bajpai, 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 so, to restore cordiality between the parties, proceedings arising out of the FIR in question be brought to an end.

During the course of hearing, attention of this Court was drawn to the order of 25th February, 2015 of this Court in CRL.M.C.No. 3512/2014, to submit that case of petitioner is at par with the case of co-accused Surender Sood & Anr., in CrI.M.C. 3512/2014 against whom this very FIR stands quashed.

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 and on the parity aspect,

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 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, of FIR No. 49/2008, under Sections 406/409/420/468/471/120B IPC, registered at Police Station EOW Crime Branch, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

MAY 07, 2019

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(SUNIL GAUR)
JUDGE