

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

Date of Order: May 08, 2019

+ **CRL.M.C. 2491/2019 & CRL.M.A. 9881/2019**

ARIF AHMAD

..... Petitioner

Through: Mr. N.K. Naagar, Advocate.

Versus

THE STATE (NCT) OF DELHI & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State.
Mr. Sharique Hussain, Advocate
for Respondent No. 2.

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
(ORAL)

Quashing of FIR No. 793/2017 under Section 135 of the *Indian Electricity Act*, 2003 registered at police station Jamia Nagar, Delhi is sought on the basis of *No Dues Certificate* of 28th December, 2017 issued by respondent No.2/complainant/first-informant of the FIR in question.

Mr. Izhar Ahmad, learned Additional Public Prosecutor accepts notice on behalf of respondent-State.

Mr. Sharique Hussain, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved between the parties and *No Dues Certificate* has been already issued by respondent No.2/complainant/first-informant of the FIR in question and so, 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.”

Since the subject matter of this FIR now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, FIR No. 793/2017 under Section 135 of the *Indian Electricity Act*, 2003 registered at police station Jamia Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 08, 2019
p'ma

