

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 09, 2019

+ **CRL.M.C. 2516/2019**
SUBHASH

.....Petitioner

Through: Mr. Zeeshan Hashmi, Advocate.

Versus

STATE & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with ASI Rajbir Singh.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.As.9988-89/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2516/2019

Quashing of FIR No.228/2015, under Sections 354/354A/506/509 of IPC, registered at police station Mandawali, Delhi is sought on the basis of affidavit of 28th February, 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 ASI Rajbir Singh, on the basis of identity proof

produced by her.

Respondent No. 2 present in the Court, affirms the contents of her affidavit of 28th February, 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 petitioner 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, FIR No.228/2015, under Sections 354/354A/506/509 of IPC, registered at police station Mandawali, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

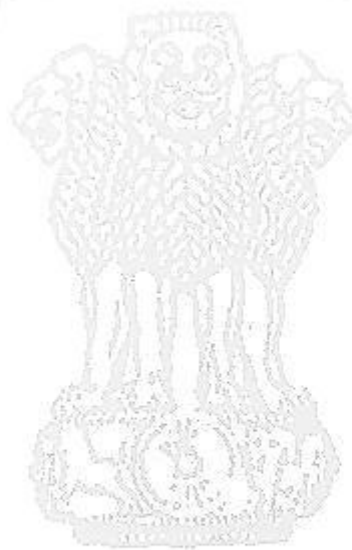
This petition is accordingly disposed of.

Dasti.

MAY 09, 2019

v

**(SUNIL GAUR)
JUDGE**



भारतमेव जयते