

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

Date of Order: May 13, 2019

+ **CRL.M.C. 2550/2019**

AJAY KUMAR & ANR. Petitioners

Through: Mr. Rajiv Taneja & Mr. Rijul
Taneja, Advocates

Versus

STATE & ANR. Respondents

Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent No.1-
State with Inspector Vijay Kumar
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 36/2018, under Section 354 IPC r/w Section 3(i) (w) of *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015*, registered at police station Nabi Karim, Delhi is sought on the basis of affidavit of 1st 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.

Petitioners' counsel submits that necessary ingredients of the offence under *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015* are lacking and instant FIR is an offshoot of landlord-tenant dispute, which now stands amicably resolved.

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 Inspector Vijay Kumar, 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 petitioners 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.”

Considering that the necessary ingredients of offence under *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)*

Act, 2015 are lacking and that the landlord-tenant dispute stands amicably resolved between the parties, 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. 36/2018, under Section 354 IPC r/w Section 3(i) (w) of *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015*, registered at police station Nabi Karim, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition is accordingly disposed of.

MAY 13, 2019

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**(SUNIL GAUR)
JUDGE**