

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

Date of Order: May 20, 2019

+ **CRL.M.C. 2707/2019 & CRL.M.A. 10815/2019**

VISHAL DASS

.....Petitioner

Through: Ms. Radhika, Advocate.

versus

STATE & ANR

.....Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI Rajesh Kumar.
Mr. Sunil Fernandes, Ms. Nupur
and Ms. Anju Thomas, Advocates
for BSES-Rajdhani Power Ltd.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 10814/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2707/2019 & CRL.M.A. 10815/2019

Quashing of FIR No.703/2017, under Section 135 of the *Indian Electricity Act, 2003* registered at police station Mehrauli, Delhi is sought on the basis of 'No Dues Certificate' of 16th April, 2019 (*Annexure-9*) issued by respondent No.2/complainant/first-informant of the FIR in question.

Mr. M.S.Oberoi, learned Additional Public Prosecutor accepts notice on behalf of respondent-State.

Mr. Sunil Fernandes, 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.703/2017, under Section 135 of the *Indian Electricity Act*, 2003 registered at police station Mehrauli, Delhi and the proceedings emanating therefrom are hereby quashed *qua* petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 20, 2019

v

