

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 30, 2019

+ **CRL.M.C. 2756/2019 & CRL.M.A. 11056/2019**

RAKESH DHINGRA Petitioner
Through: Mr. B.P. Sharma & Mr. Ashish
Gill, Advocates.

Versus

THE STATE THROUGH: GOVT OF NCT OF DELHI & ANR
.....Respondents
Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI Sunny.
Mr. Shanto Mukherjee, Advocate
with Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 220/2015, under Sections 420/468/471/120B of IPC, registered at Police Station Roop Nagar, North District, Delhi is sought on the basis of 'Memorandum of Settlement' (Annexure P-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

he has been identified to be so, by SI Sunny, on the basis of identity proof produced by him. Learned Additional Public Prosecutor for respondent-State submits that charge-sheet in this FIR case has been filed for the offence under Section 420 & 120B of IPC only.

Respondent No. 2 present in the Court, submits that the misunderstanding between the parties has been amicably resolved vide aforesaid '*Memorandum of Settlement*' (Annexure P-2) and terms thereof have been fully acted upon. Respondent No. 2 has handed over his affidavit of 30th May, 2019 in court today and the same is taken on record. Respondent No. 2 affirms the contents of his affidavit of 30th May, 2019 and submits that the misunderstanding with petitioner now stands cleared and so, to restore the cordiality between the parties, 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 view of the Memorandum of Settlement (*Annexure P-2*) and the fact that the charge-sheet has been filed for the offence under Section 420 & 120B of IPC, 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 petitioner with *Prime Minister's National Relief Fund* within a week 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, FIR No. 220/2015, under Sections 420/468/471/120B of IPC, registered

at Police Station Roop Nagar, North District, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

MAY 30, 2019

p'ma

**(SUNIL GAUR)
JUDGE**



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