

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 28, 2019

+ **CRL.M.C. 2883/2019**
ASHOK CHOUDHARY Petitioner
Through: Mr.Vinod Yadav, Advocate.

Versus

THE STATE NCT OF DELHI & ANR. Respondents
Through: Ms.Neelam Sharma, Additional
Public Prosecutor for State with SI
Bansi Lal.
Mr.Sunil Fernades, Advocate and
Ms.Zeeshan Diwan, Advocates for
R-2.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A.11643/2019

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2883/2019 & Crl.M.A.11644/2019

1. Quashing of FIR No.451/2018, under Sections 135 of Indian Electricity Act (Amended), 2003, registered at Police Station Kotla Mubark Pur, South District, New Delhi, is sought on the basis of 'No Dues Certificate' dated 30th November, 2018 (*Annexure-E*).
2. Learned counsel for respondent No.2 submits that in view of 'No Dues Certificate' (*Annexure E*), he has no objection if the proceedings arising out of the FIR in question be brought to an end.
3. 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.”

4. In view of ‘No Dues Certificate’ (Annexure E), I find that continuance of proceedings arising out of FIR in question, would be an exercise in futility.

5. Accordingly, FIR No.451/2018, under Sections 135 of Indian Electricity Act (Amended), 2003, registered at Police Station Kotla Mubark Pur, South District, New Delhi and the proceedings emanating therefrom stands quashed qua petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 28, 2019
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