

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 29, 2019

+ **CRL.M.C. 2918/2019 & CRL.M.A. 11772/2019**

DINESH KUMAR & ORSPetitioners
Through: Mr. Gaurav Kochhar, Advocate.

Versus

THE STATE (NCT OF DELHI) & ANRRespondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Tulli Ram.
Ms. Seema Gola, Advocate with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 703/2015, under Sections 323/354B/34 of IPC, registered at Police Station Badarpur, Delhi is sought on the basis of affidavit of 23rd 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.

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 Tulli Ram, on the basis of identity proof produced by her.

Respondent No. 2 present in the Court, affirms the contents of her affidavit of 23rd May, 2019 and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and so she has no objection to quashing of the FIR in question, provided petitioner honours the settlement deed of 14th April, 2018 in respect of FIR No. 440/2016, under Sections 498A/406/34 of IPC, registered at Police Station Bhajanpura, Delhi.

Learned counsel for petitioner on instructions submits that the settlement qua FIR No. 440/2016 shall be positively honoured today in W.P.(Crl.) 1625/2019 listed before Hon'ble Ms. Justice Mukta Gupta.

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 amongst the parties.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioners 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. 703/2015, under Sections 323/354B/34 of IPC, registered at Police Station Badarpur, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. It is made clear that, if petitioners default in honouring the settlement deed of 14th April, 2018, then respondent No. 2 shall be at liberty to get this order revoked.

This petition and application are accordingly disposed of.

Dasti.

MAY 29, 2019
p'ma

(SUNIL GAUR)
JUDGE