

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

Date of Order: May 31, 2019

+ **CRL.M.C. 3085/2019 & Crl.M.A. 12431/2019**

LAVKUSH & ORS.

..... Petitioners

Through: Mr. S.C.Chaudhary & Mr. Bipin
Kumar Jha, Advocates with
petitioners in person

Versus

THE STATE & ORS.

..... Respondents

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent No.1-
State with Inspector Sushil Kumar
Respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 152/2015, under Sections 323/354-A/509/34 IPC, registered at Police Station Aman Vihar, Delhi is sought on the basis of affidavits of 28th May, 2019 of respondents No.2 and 3 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 respondents No. 2 and 3 present in the Court, are the complainant party of FIR in question and they have been identified to be so, by Inspector Sushil Kumar, on the basis of identity proof produced by

them.

Respondents No. 2 and 3 present in the Court, submit 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, who are neighbours, 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 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 between the parties.

Accordingly, FIR No. 152/2015, under Sections 323/354-A/509/34 IPC, registered at Police Station Aman Vihar, Delhi and the proceedings emanating therefrom are quashed qua petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 31, 2019

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