

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: July 12, 2019

+ **CRL.M.C. 3309/2019 & CRL.M.A. 30854/2019**

MANOJ KUMAR Petitioner
Through: Mr. Gaurav K. Singh & Mr. Amit
Saxena, Advocates.

Versus

STATE OF N.C.T OF DELHI & ANR Respondents
Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with ASI Bal
Kishan.
Mr. Sandeep Malik, Advocate with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 568/2014, under Sections 467/471/420/475/406/506/201/120B of IPC registered at Police Station New Ashok Nagar, Delhi is sought on the basis of *Memorandum of Understanding* of 15th June, 2019.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 ASI Bal Kishan on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that there is no forgery angle and the entire transaction stand explained in paragraph No. 5 of the *Memorandum of Understanding* of 15th June, 2019. It is also submitted that the aforesaid *Memorandum of Understanding* has been fully acted upon as today, he has received an amount ₹6,00,000/- by way of two demand drafts bearing No. 111453 dated 11th July, 2019 drawn on RBL Bank, Vikas Marg Branch, Delhi & demand draft bearing no. 568995 dated 11th July, 2019 drawn on State Bank of India, Mayur Vihar Phase-III Branch, Delhi from petitioner. He affirms the contents of his affidavit of 9th July, 2019 supporting this petition and submits that now no dispute with petitioner survives and so, to restore cordiality amongst the parties who are neighbours, 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 complaint, 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 misunderstanding stands cleared amongst the parties and forgery angle is conspicuously absent, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Consequently, this petition is allowed subject to costs of ₹50,000/- 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. 568/2014, under Sections 467/471/420/475/406/506/201/120B of IPC registered at Police Station New Ashok Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 12, 2019

p'ma