

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

Date of Order: July 12, 2019

+ **CRL.M.C. 3314/2019 & Crl.M.A. 30864/2019**

MANOJ KUMAR & ORS. Petitioners

Through: Mr. Rashid Khan, Advocate

Versus

STATE & ORS. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with SI Manoj
Mr. Ankush Chauhan, Advocate
for respondents No.2 to 5 in
person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Quashing of FIR No.1520/2015, under Section 308/34 of IPC, registered at Police Station Malviya Nagar, New Delhi is sought 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.5 is a minor and she is represented through her mother- *respondent No.3*. Learned Additional Public Prosecutor for respondent-State submits that respondent Nos. 2 to 4 are present in the Court and they have been identified to be so by SI Manoj on the basis of identity proof produced by them.

Respondents No. 2 to 4 present in the Court, affirm the contents of their affidavits of 6th June, 2019 and submit that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives and so, to restore cordiality amongst the parties, who are related to each other, 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 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.

Consequently, FIR No.1520/2015, under Section 308/34 of IPC,

registered at Police Station Malviya Nagar, New Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JULY 12, 2019

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