

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: July 16, 2019

+ **CRL.M.C. 3371/2019**

DEEPAK BAJAJ & ORS.Petitioners

Through: Mr. Vishal Gosain and Mr. N.
Ahuja, Advocates

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI S.K. Singh
Mr.Shakeel Sarwar, Advocate with
respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 31053/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 3371/2019

Quashing of FIR No.473/2017 under Sections 420/406/34 of IPC, registered at Police Station Saket, Delhi is sought on the basis of Mediated Settlement of 6th June, 2019 and affidavit of 12th July, 2019 of respondent No. 2 and on the ground that the dispute/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 he has been identified to be so, by SI S.K. Singh, on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute (which is said to be of civil nature) between the parties has been amicably resolved as today, he has received the settled amount by way of demand drafts dated 06th June, 2019 drawn on Axis Bank, Sector-45, Gurgaon, Haryana from petitioners. He affirms the contents of his affidavit of 12th July, 2019 supporting this petition and submits that the dispute, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives and so, 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 dispute, which led to registration of the FIR in question, now stands settled between the parties.

Accordingly, this petition is allowed subject to costs of ₹50,000/- 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.473/2017 under Sections 420/406/34 of IPC, registered at Police Station Saket, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

JULY 16, 2019

v

**(SUNIL GAUR)
JUDGE**