

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

Date of Order: July 19, 2019

+ **CRL.M.C. 3446/2019 & CRL.M.A. 31388/2019**

JATINDER KHURANA & ANRPetitioners

Through: Mr. Vikram Dua & Mr. Vijay
Kumar, Advocates.

Versus

STATE (NCT OF DELHI) & ANRRespondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Gaurav
Mr. Karan Jain, Advocate with
Respondents Nos. 2 to 4 in person.

+ **CRL.M.C. 3462/2019 & CRL.M.A. 31440/2019**

SHRI ROSHAN LAL AGGARWAL & ORS.Petitioners

Through: Mr. Karan Jain, Advocate.

Versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
W/SI Pooja.
Mr. Vikram Dua & Mr. Vijay
Kumar, Advocates with
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions, quashing of cross FIR Nos. 178/2018 under Sections 308/323/341/506/34 of IPC and FIR No.181/2018 under Sections 323/354/354-B/509/34 of IPC both registered at Police Station Ranjit Nagar, Delhi is sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that complainants of cross FIR Nos. 178/2018 & 181/2018 are present in the Court and they have been identified to be so, by SI Gaurav & W/SI Pooja on the basis of identity proof produced by them.

With the consent of learned counsel for the parties, both these petitions have been heard together and are being disposed of by this common order.

Complainants of cross FIR Nos. 178/2018 & 181/2018 affirm the contents of their affidavits filed in support of these petitions and submit that the misunderstanding, which led to registration of the cross FIRs in question, now stands cleared amongst the parties and that now, no grievance between the parties 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 cross FIRs in question, would be an exercise in futility as the misunderstanding, which led to registration of these cross FIRs, now stands cleared between the parties.

Consequently, both the petitions are allowed, subject to costs of ₹50,000/- per petition to be deposited by petitioner No. 2 in CRL.M.C. 3446/2019 and by petitioner No. 1 in CRL.M.C. 3462/2019 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, cross FIR Nos. 178/2018 under Sections 308/323/341/506/34 of IPC and FIR No.181/2018 under Sections 323/354/354-B/509/34 of IPC both registered at Police Station Ranjit Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.
Dasti.

(SUNIL GAUR)
JUDGE

JULY 19, 2019
p'ma

