

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

Date of Order: July 19, 2019

+ **CRL.M.C. 3444/2019 & CrI.M.A. 31385/2019**

MANISH KUMAR AGARWALPetitioner

Through: Mr. Kailash Sharma, Mr. Pankaj
Sharma & Mr. Mohit Singh,
Advocates with petitioner in
person.

Versus

STATE & ANR.Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with SI Pankaj Kumar
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 126/2018, under Sections 420/406 of IPC, registered at Police Station Mangolpuri, New Delhi is sought on the basis of settlement agreement of 9th July, 2019 reached between the parties.

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 SI Pankaj Kumar on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved in terms of settlement agreement of 9th July, 2019. Respondent No.2 affirms the contents of his affidavit of 17th July, 2019 supporting this petition and submits that now no dispute with petitioner 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 subject matter of FIR in question now stands mutually resolved between the parties.

Accordingly, this petition is allowed subject to costs of ₹50,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within two weeks 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. 126/2018, under Sections 420/406 of IPC, registered at Police Station Mangolpuri, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

JULY 19, 2019

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**(SUNIL GAUR)
JUDGE**



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