

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 05, 2019

+ **CRL.M.C. 3834/2019 & CRL.M.A. 32783/2019**

PANKAJ SURANA & ORSPetitioners
Through: Mr. J.K. Sharma & Mr. Naresh
Talwar, Advocates

Versus

THE STATE OF N.C.T OF DELHI & ANRRespondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Yogesh Sharma.
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 237/2019, under Sections 420/406/506 of IPC, registered at Police Station Ashok Vihar, Delhi is sought on the basis of *Memorandum of Understanding* of 30th July, 2019 reached between the parties and affidavit of 31st July, 2019 of respondent No. 2.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent No. 2, who is present in Court, is the complainant of FIR in question and he has been identified to be so, by SI Yogesh Sharma, 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 as today, he has received an amount of ₹5,00,000/- by way of four demand drafts bearing Nos.

788709, 788706, & 78708 dated 01st August, 2019 drawn on State Bank of India, Branch Hindu Rao Hospital, Delhi and demand draft bearing No. 038972 dated 2nd August, 2019 drawn on Bank of Baroda, Branch Alipur Delhi from petitioners. Respondent No. 2 affirms the contents of his affidavit of 31st July, 2019 and submits that there is no forgery angle and the dispute, which led to registration of the FIR in question has been amicably resolved between 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 there is no forgery angle and the dispute which led to registration of the FIR in

question, now amicably resolved between the parties, 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 ₹10,000/- 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. 237/2019, under Sections 420/406/506 of IPC, registered at Police Station Ashok Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

AUGUST 05, 2019
p'ma

(SUNIL GAUR)
JUDGE

सत्यमेव जयते