

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

Date of Order: August 05, 2019

+ **CRL.M.C. 3856/2019 & CrI.M.A. 32869/2019**

SATISH & ORS. Petitioners

Through: Mr. Abdullah Khan, Advocate.

Versus

THE STATE & ORS. Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.1-State ASI Jagat Narayn
Mr. Amit Nahata, Advocate for
respondents No.2 to 4.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 99/2017, under Sections 323/324/506/341/34 of IPC, registered at Police Station Kanjhawala, Delhi is sought on the ground that the misunderstanding between the parties stands cleared in terms of Memorandum of Understanding of 1st August, 2019 (*Annexure A-2*).

Petitioners' counsel has handed over affidavits of 5th August, 2019 of respondents No.2 to 4 supporting this petition, which are taken on record.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that the complainant party i.e. respondents No.2 to 4

are present in the Court and they have been identified to be so by ASI Jagat Narayan on the basis of identity proof produced by them.

Respondents No.2 to 4, present in the Court, submits that the dispute between the parties has been amicably resolved in terms of Memorandum of Understanding of 1st August, 2019 (*Annexure A-2*) and in terms thereof, today he has received ₹3,00,000/- by way of demand draft No.936472, dated 1st August, 2019, drawn on Union Bank of India, Branch Mangolpuri, New Delhi from petitioners. Respondents No.2 to 4 affirm the contents of their affidavits of 5th August, 2019 supporting this petition and submit that now misunderstanding between the parties stands cleared 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.”

Since the misunderstanding between the parties now stands cleared, 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 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. 99/2017, under Sections 323/324/506/341/34 of IPC, registered at Police Station Kanjhawala, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 05, 2019

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