

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

Date of Order: August 08, 2019

+ **CRL.M.C. 3913/2019 & Crl.M.A. 33132/2019**

ANIL

.....Petitioner

Through: Mr. H.Singh, Advocate for
Mr.Abhishek Kashyap, Advocate.

Versus

STATE (N.C.T OF DELHI) & ANR.

.....Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
No.1-State with SI Subhash Chand.
Ms. Vandana Singh, Advocate
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 56/2019, under Section 308/34 of IPC, registered at Police Station Gokulpuri, Delhi is sought on the of *Compromise Deed of 3rd August, 2019 (Annexure-B)* reached between the parties and on the ground that the 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 Subhash Chand on the basis of identity proof produced by him.

Respondent No. 2 present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties. He affirms the contents of his affidavit of 3rd August, 2019 supporting this petition and submits that now, no grievance against petitioner survives and so, to restore cordiality between the parties, who are related to each other, 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 complaint, 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 misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties.

Accordingly, FIR No. 56/2019, under Section 308/34 of IPC, registered at Police Station Gokulpuri, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and application are accordingly disposed of.

AUGUST 08, 2019

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**(SUNIL GAUR)
JUDGE**



भारतमेव जयते