

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

Date of Order: August 09, 2019

+ **CRL.M.C. 3918/2019 & CRL.M.A. 33167/2019**

TIRLOCHAN SINGH & ANRPetitioners
Through: Mr. Ojasvi Khaneja, Advocate.

Versus

STATE (GOVT. NCT OF DELHI) & ANRRespondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
Inspector C.L. Meena.
Mr. C.B. Garg, Mr. Manish
Kumar, Advocates with
Respondent No. 2 in person.

+ **CRL.M.C. 3919/2019 & CRL.M.A. 33168/2019**

RATVINDER SINGH & ORSPetitioners
Through: Mr. C.B. Garg, Mr. Manish
Kumar, Advocates.

Versus

THE STATE & ANRRespondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
Inspector C.L. Meena.
Mr. Ojasvi Khaneja, Advocate
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. 730/2014 under Sections 323/354(B)/34 of IPC and FIR No. 729/2014 under Sections 323/354(B)/506/509/34 of IPC both registered at Police Station Khyala, Delhi is sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

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.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that complainants of cross FIR Nos. 730/2014 & 729/2014 are present in the Court and they have been identified to be so, by Inspector C.L. Meena on the basis of identity proof produced by them.

Complainants of cross FIR Nos. 730/2014 & 729/2014 affirm the contents of their affidavits 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 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 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.

Accordingly, both the petitions are allowed subject to costs of ₹10,000/- per petition to be deposited by petitioners 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, cross FIR Nos. 730/2014 under Sections 323/354(B)/34 of IPC and FIR No. 729/2014 under Sections 323/354(B)/506/509/34 of IPC both registered at Police Station Khyala, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.
Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 09, 2019
p'ma

