

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

Date of Order: May 06, 2019

+ **CRL.M.C. 969/2017**

PINTU KUMAR PANDIT & ORS

.....Petitioners

Through: Mr.Shekhar Gupta, Advocate

Versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor with SI Sachin
Yadav

Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.510/2013, under Sections 288/304A/201/34 of IPC, registered at Police Station Vikaspuri, Delhi is sought on the basis of respondent No. 2's affidavit of 17th January, 2019.

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 as the father of deceased, by SI Sachin Yadav on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that the incident in question was purely accidental and he does not hold petitioners guilty of any neglect and submits that he has been duly compensated 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.”

The facts as mentioned in the status report needs no reproduction. In the facts and circumstances of this case, this Court finds that the incident in question was purely accidental and so, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of ₹50,000/- to be paid by petitioners to respondent No. 2 within a week from today. Upon placing on record the proof of payment of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No.510/2013, under Sections 288/304A/201/34 of IPC, registered at Police Station Vikaspuri, Delhi and the proceedings emanating therefrom

shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 06, 2019

v

