

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

Date of Order: February 22, 2019

+ **CRL.M.C. 4623/2018 & CRL.M.A. 1170/2019**

ROHIT KUMAR AGGARWALPetitioner

Through: Mr. Dinesh Kumar, Advocate

versus

GOVT. OF N.C.T. OF DELHI & ANR.Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor with SI Rajesh
Kumar
Mr. Gaurav Sharma, Advocate
with respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.288/2018, under Sections 406/420/34 of IPC registered at police station Mehrauli, Delhi is sought on the basis of Memorandum of Understanding of 13th August, 2018 and on the ground that the misunderstanding which led to registration of the FIR, 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 complainant/first-informant of the FIR in question and she has been identified to be so, by her counsel as well as by SI Rajesh Kumar on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the dispute

between the parties has been amicably resolved vide aforesaid Memorandum of Understanding of 13th August, 2018 and she affirms the contents of her Affidavit of 10th September, 2018 supporting this petition. Respondent No. 2 submits that the dispute between the parties now stands amicably resolved and she has got the actual possession of the subject property 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 complaint, which are as under:-

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;

Since the dispute between the parties has been amicably resolved,

therefore, 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 ₹10,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, and tendering its copy to the Investigating Officer of this case, FIR No.288/2018, under Sections 406/420/34 of IPC registered at police station Mehrauli, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRAURY 22, 2019

v