

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of Order: May 27, 2019*

+ **CRL.M.C. 4422/2017**  
**KARAMVIR & ORS** .....Petitioners  
Through: Petitioners in person.

Versus

**THE STATE & ORS** .....Respondents  
Through: Mr. Izhar Ahmad, Additional  
Public Prosecutor for respondent-  
State with ASI Rajbir Singh.  
Respondents No. 2 and 3 in person.

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

Quashing of FIR No.390/2008 under Sections 325/323/452/354/427/34 of IPC, registered at Police Station New Ashok Nagar, Delhi is sought on the basis of affidavits of 23<sup>rd</sup> October, 2017 of respondents No. 2 & 3 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 respondents No. 2 & 3 present in the Court, are the complainant party of FIR in question and they have been identified to be so, by ASI Rajbir Singh, on the basis of identity proof produced by them.

Respondents No. 2 & 3 present in the Court, affirm the contents of their affidavits of 23<sup>rd</sup> October, 2017 and submit that the

misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives and so, to restore cordiality amongst the parties, who are into T.V. Cable business, 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 FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties.

Accordingly, this petition is allowed subject to costs of ₹35,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within four 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, FIR No.390/2008 under Sections 325/323/452/354/427/34 of IPC, registered at Police Station New Ashok Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

*Dasti.*

**MAY 27, 2019**

v

**(SUNIL GAUR)  
JUDGE**



सत्यमेव जयते