

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

Date of Order: March 11, 2019

+ **CRL.M.C. 1305/2019**

JASPAL SINGH

.....Petitioner

Through: Mr. Mukesh Birla, Advocate

versus

STATE & ANR.

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor with SI
Devendar Singh
Respondent No 2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A.5183/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.A. 5184/2019 (delay)

There is delay of 85 days in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is disposed of.

CRL.M.C. 1305/2019

Quashing of FIR No. 188/2016, under Sections 354/354B/509 of IPC registered at police station Govind Puri, Delhi is sought on the basis of Affidavit of 14th February, 2019 of respondent No. 2 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 SI Devendar Singh on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the misunderstanding between the parties has been now cleared and she affirms the contents of aforesaid Affidavit of 14th February, 2019 supporting this petition and submits that 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:-

“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;”

Upon hearing and on perusal of the FIR 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, now stands cleared between the parties.

Accordingly, FIR No. 188/2016, under Sections 354/354B/509 of IPC registered at police station Govind Puri, Delhi and the proceedings emanating therefrom are hereby quashed *qua* petitioner.

This petition is accordingly disposed of.

MARCH 11, 2019

v

**(SUNIL GAUR)
JUDGE**



भारतमेव जयते