

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

Date of Order: March 07, 2019

+ CRL.M.C. 6343/2018

AMOD KUMAR VERMA Petitioner
Through: Ms. Kailash Gohani, Advocate

Versus

STATE (GOVT OF NCT OF DELHI) & ANR. Respondents
Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with ASI Praveen Kumar
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 432/2016, under Section 354 IPC, registered at police station Safdarjung Enclave, New Delhi is sought on the basis of Affidavit of 3rd October, 2018 of respondent No.2 and on the ground that misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent-State accepts notice and 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 ASI Praveen Kumar 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 3rd October, 2018 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, 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 proof of

deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 432/2016, under Section 354 IPC, registered at police station Safdarjung Enclave, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 07, 2019

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