

(2019) 05 DEL CK 0291

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2698 Of 2019, Criminal
Miscellaneous Application No. 10793 Of 2019

Anil Kumar Nimesh@ Nikku

APPELLANT

Vs

Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 20-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0291

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Yoginder Singh, Dr. M.P. Singh

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 267/2016, under Section 308/34 IPC, registered at police station Anand Parbat, Delhi is sought on the basis of affidavit of 16th May, 2019 of respondent No. 2 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 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 to be so, by SI Shiv Prakash, on the basis of identity proof produced by him.

Respondent No. 2 present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties. Respondent No.2 affirms contents of his affidavit of 16th May, 2019 supporting this petition and submits that now, no grievance against petitioner survives and so, to restore cordiality between the parties, who are residing in the same locality, 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 between the parties.

Accordingly, FIR No. 267/2016, under Section 308/34 IPC, registered at police station Anand Parbat, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and application are accordingly disposed of.