
(2019) 05 DEL CK 0431

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2491 Of 2019, Criminal
Miscellaneous Application No. 9881 Of 2019

Arif Ahmad

APPELLANT

Vs

State (Nct) Of Delhi & Anr

RESPONDENT

Date of Decision : 08-05-2019

Acts Referred:

Indian Electricity Act, 2003 — Section 135
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0431

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : N.K. Naagar, Izhar Ahmad

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 793/2017 under Section 135 of the Indian Electricity Act, 2003 registered at police station Jamia Nagar, Delhi is sought on the

basis of No Dues Certificate of 28th December, 2017 issued by respondent No.2/ complainant/first-informant of the FIR in question.

Mr. Izhar Ahmad, learned Additional Public Prosecutor accepts notice on behalf of respondent-State.

Mr. Sharique Hussain, Advocate, appears on behalf of respondent No.2 and submits that the subject matter of this FIR stands amicably resolved

between the parties and No Dues Certificate has been already issued by respondent No.2/complainant/first-informant of the FIR in question 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 64 1has 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.

Since the subject matter of this FIR now stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of

the FIR in question would be an exercise in futility.

Accordingly, FIR No. 793/2017 under Section 135 of the Indian Electricity Act, 2003 registered at police station Jamia Nagar, Delhi and the

proceedings emanating therefrom are quashed qua petitioner.

This petition and application are accordingly disposed of.