

(2019) 08 DEL CK 0416

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3909 Of 2019

Arun Kumar & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 324, 341, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 08 DEL CK 0416

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Jitender Vashisht, Izhar Ahmad, Bharat Bhushan

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

CRL.M.A. 33117/2019 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 33118/2019 (delay in re-filing)

There is delay of 147 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. 3909/2019

Quashing of FIR No. 813/2018, under Sections 324/341/506/34 of IPC, registered at Police Station Aman Vihar, now Police Station Prem Nagar, Delhi is sought on the basis of affidavit of 29th 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-State submits that respondent No. 2, who is present in Court, is the complainant of FIR in question and he has been identified to be so, by SI P.L. Meena, on the basis of identity proof produced by him.

Respondent No. 2, present in the Court submits that the misunderstanding between the parties has been amicably resolved. He affirms the contents of his affidavit of 29th May, 2019 and submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and now, no grievance against petitioners survives and so, to restore cordiality amongst the parties, who are related to each other, 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.

Consequently, FIR No. 813/2018, under Sections 324/341/506/34 of IPC, registered at Police Station Aman Vihar, now Police Station Prem Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.