

(2019) 03 DEL CK 0252

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1473 Of 2019, Criminal
Miscellaneous Application No. 5846, 5847 Of 2019

Avish Gupta & Anr

APPELLANT

Vs

State Of Nct Delhi & Anr

RESPONDENT

Date of Decision : 18-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 354, 506, 509
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0252

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ajay, Manoj, Neeelam Sharma

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 166/2016, under Sections 354/323/509/34 of IPC and cross FIR No. 165/2016 under Sections 323/341/506/34 of IPC both registered at police station Preet Vihar, Delhi are sought on the basis of Affidavit of 25th 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 the complainant/first-informant of the FIR in question and she has been identified to be so, by SI Yogesh Kumar on the basis of identity proof produced by her.

Learned Additional Public Prosecutor has handed a over copy of FIR No. 165/2016 under Sections 323/341/506/34 of IPC and it is taken on record.

Respondent No.2-Rekha Aggarwal, present in the Court, submits that the misunderstanding between the parties has been amicably resolved and she affirms the contents of aforesaid Affidavit of 25th February, 2019 supporting this

petition and submits that now no dispute with petitioners survives and so, to restore the cordiality between the parties, who are neighbours, 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".

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, now stands cleared between the parties.

Accordingly, this petition is allowed subject to costs of Rs. 10,000/-to be deposited by petitioners with Prime Minister's National Relief Fund within a week from today. Upon placing on record the receipt of costs and handing over its copy to Investigation Officer, FIR No. 166/2016, under Sections 354/323/509/34 of IPC and cross FIR No. 165/2016 under Sections 323/341/506/34 of IPC both registered at police station Preet Vihar, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and the applications are accordingly disposed of.

Dasti.