

(2019) 08 DEL CK 0259

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4010 Of 2019

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APPELLANT

Vs

State Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 19-08-2019

Acts Referred:

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

Citation : (2019) 08 DEL CK 0259

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Dr. M.K. Gahlaut, Neelam Sharma, Sunil Kumar

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 47/2015, under Section 308 of IPC, registered at Police Station Khyala, Delhi is sought on the basis of affidavit of 8th August, 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 Vikas, 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 8th August, 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 petitioner survives and so, to restore cordiality between the parties, who are residing in the same locality, 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, this petition is allowed subject to costs of ₹ 10,000/- to be deposited by petitioner with Prime Minister's National Relief Fund within a week 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. 47/2015, under Section 308 of IPC, registered at Police Station Khyala, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition is accordingly disposed of.