
(2019) 05 DEL CK 0553

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2377 Of 2019

Dheeraj Gera & Anr

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 03-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 288, 304A
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0553

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Jagjit Sahni, M.S. Oberoi, Sarthak Katyal

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

Quashing of FIR No. 203/2017, under Sections 288/304-A/34 of IPC, registered at Police Station Anand Vihar, Shahdara Delhi is sought on the basis of affidavits of 1st May, 2019 of respondent Nos. 2 & 3 and on the ground that the incident in question was purely accidental.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent Nos. 2 & 3 present in the Court, are the complainants/first-informant of FIR in question and they have been identified to be so, by SI Arun Ahlawat, on the basis of identity proof produced by them.

Respondent Nos. 2 & 3 present in the Court, submit that they been duly compensated and now, no grievance against petitioners survives and so, to restore cordiality amongst the parties, 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."

Since the incident in question was purely accidental and respondent Nos. 2 & 3 have been duly compensated, therefore, 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.

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 proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 203/2017, under Sections 288/304-A/34 of IPC, registered at Police Station Anand Vihar, Shahdara Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.