
(2019) 04 DEL CK 0144

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1660 Of 2019, Criminal
Miscellaneous Application No. 6658 Of 2019

Fagun Gaur

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 29-04-2019

Acts Referred:

Indian Penal Code, 1860 — Section 279, 337
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 04 DEL CK 0144

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Pulkit Sachdeva, M.S. Oberoi, Anurag Chibber

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 477/2014, under Sections 279/337 of IPC registered at police station South Campus, New Delhi is sought on the basis of affidavits of respondent Nos. 2 & 3 of 11th March, 2019.

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

Respondent Nos. 2 & 3, present in the Court, submit that accident in question has taken place due to error of judgment and that they have been duly compensated and so the proceedings arising out of this FIR be brought to an end. Respondent Nos. 2 & 3 affirm the contents of their affidavits of 11th March, 2019 supporting this petition and submit that now no dispute with petitioner survives 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 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".

Since the accident in question had taken place due to bonafide error of judgment therefore, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of Rs. 10,000/- to be deposited by petitioner with the Prime Minister's National Relief Fund within a week from today. Upon placing on record the receipt of costs within a week thereafter and handing over its copy to the Investigating Officer of this case, FIR No. 477/2014, under Sections 279/337 of IPC registered at police station South Campus, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.