

(2019) 07 DEL CK 0257

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1031 Of 2019, Criminal
Miscellaneous Application No. 4147 Of 2019

Jipta & Anr

APPELLANT

Vs

State Of Nct Delhi & Anr

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 308, 341

Citation : (2019) 07 DEL CK 0257

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Manoj Kumar Sharma, Neelam Sharma

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No.13/2017 under Sections 308/34/341 of IPC, registered at Police Station Seemapuri, Delhi is sought on the basis of affidavit of

20th February, 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 present in the Court, is the complainant/first

informant of FIR in question and he has been identified to be so, by SI Avesh Kumar, on the basis of identity proof produced by him.

Respondent No. 2 present in the Court, affirms the contents of his affidavit of 20th February, 2019 and submits that the misunderstanding, which led to

registration of the FIR in question, now stands cleared amongst 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 64 1has 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 between the parties. Accordingly, FIR No.13/2017 under

Sections 308/34/341 of IPC, registered at Police Station Seemapuri, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition and the application are accordingly disposed of.