
(2019) 05 DEL CK 0449

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2459 Of 2019

Kake @ Vikash & Ors

APPELLANT

Vs

State Of N.C.T Of Delhi & Anr

RESPONDENT

Date of Decision : 07-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 354(B), 509
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0449

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Rahul Mishra, M.S.Oberoi

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

CRL.M.A.9748/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2459/2019

Quashing of FIR No.44/2018, under Sections 354(B)/323/509/34 of IPC, registered at police station Harsh Vihar, Delhi is sought on the basis of

affidavit of 3rd May, 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 she has been identified to be so, by SI Rajeev Kumar, on the basis of identity proof produced by her.

Respondent No. 2 present in the Court, affirms the contents of her affidavit of 3rd May, 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 petitioners remains and so, to restore

cordiality amongst 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 64 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 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 proof of deposit of costs within a week thereafter and handing over its copy to the Investigating

Officer, FIR No.44/2018, under Sections 354(B)/323/509/34 of IPC, registered at police station Harsh Vihar, Delhi and the proceedings emanating

therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.