

(2019) 04 DEL CK 0284

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3499 Of 2017

Manish Kumar Roy & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 24-04-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 04 DEL CK 0284

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Anwesh Madhukar, Izhar Ahmad

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

CrI.M.A. 49962/2018

Learned counsel for petitioners submits that inadvertently the application has been filed.

The application is dismissed as not pressed.

CrI.M.A. 49961/2018 (for Restoration)

By way of this application restoration of the petition is sought by petitioners.

Upon hearing, the order of 8th August, 2018 is recalled and this petition is restored to its original position.

CRL.M.C. 3499/2017

Quashing of FIR No. 264/2016, under Sections 420/120B of IPC registered at Police Station Kirti Nagar, Delhi is sought on the basis of affidavit of 30th August, 2017 of respondent No. 2.

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 ASI Praveen Kumar Sharma, on the basis of identity proof produced by him.

Respondent No. 2 present in the Court, submits that the dispute with petitioners has been amicable settled, and now, no grievance against petitioners 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 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 disputes, which led to registration of the FIR in question, now stands settled 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. 264/2016, under Sections 420/120B of IPC registered at Police Station Kirti Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

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