
(2019) 07 DEL CK 0224

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3309 Of 2019, Criminal
Miscellaneous Application No. 30854 Of 2019

Manoj Kumar

APPELLANT

Vs

State Of N.C.T Of Delhi & Anr

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 120B, 201, 406, 420, 467, 471, 475, 506

Citation : (2019) 07 DEL CK 0224

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Gaurav K. Singh, Amit Saxena, M.P. Singh, Sandeep Malik

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Quashing of FIR No. 568/2014, under Sections 467/471/420/475/406/506/201/120B of IPC registered at Police Station New Ashok Nagar, Delhi is

sought on the basis of Memorandum of Understanding of 15th June, 2019.

Upon notice, learned Additional Public Prosecutor for respondent No.1-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 Bal Kishan on the basis of identity proof produced by him.

Respondent No.2, present in the Court, submits that there is no forgery angle and the entire transaction stand explained in paragraph No. 5 of the

Memorandum of Understanding of 15th June, 2019. It is also submitted that the aforesaid Memorandum of Understanding has been fully acted upon

as today, he has received an amount

6,00,000/- by way of two demand drafts bearing No. 111453 dated 11th July, 2019 drawn on RBL Bank, Vikas Marg Branch, Delhi & demand draft

bearing no. 568995 dated 11th July, 2019 drawn on State Bank of India, Mayur Vihar Phase-III Branch, Delhi from petitioner. He affirms the contents

of his affidavit of 9th July, 2019 supporting this petition and submits that now no dispute with petitioner survives and so, to restore cordiality amongst

the parties who are neighbours, 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 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 misunderstanding stands cleared amongst the parties and forgery angle is conspicuously absent, therefore, continuance of proceedings

arising out of the FIR in question would be an exercise in futility.

Consequently, this petition is allowed subject to costs of 50,000/- to be deposited by petitioner 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. 568/2014, under Sections 467/471/420/475/406/506/201/120B of IPC registered at Police Station New Ashok Nagar, Delhi and the

proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.
Dasti.