

(2019) 03 DEL CK 0030

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1256 Of 2019

Naveen Aggarwal & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 07-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 451, 452, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0030

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Rakesh Malhotra, M.P.Singh, Manish Vashisht

Final Decision : Disposed Off

Judgement

CRL.M.A.4943/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 1256/2019

Quashing of FIR No. 67/2011, under Sections 452/323/34 etc. of IPC registered at police station Punjabi Bagh, New Delhi and trial court order of 29th May, 2017 vide which petitioners have been summoned under Sections 451/323/341/506/34 of IPC, is sought on the basis of Mediated Settlement of 4th February, 2019 and on the ground that misunderstanding which led to registration of the FIR now stands cleared between the parties.

Dr. M.P.Singh, learned Additional Public Prosecutor for respondent-State accepts notice and Mr. Manish Vashisht, Advocate, accepts notice on behalf of respondent No.2.

Learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and he has been identified to be so, by his counsel on the basis of

identity proof produced by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved and he affirms the contents of aforesaid Mediated Settlement of 4th February, 2019 and his affidavit of 25th February, 2019 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the 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 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;"

Upon hearing and on perusal of the FIR 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, now stands cleared between the parties.

Accordingly, this petition is allowed subject to costs of ₹ 20,000/-to be deposited by petitioners with Prime Minister's National Relief Fund within a week from today. Upon placing on record the receipt of cost, FIR No. 67/2011, under Sections 452/323/34 etc. of IPC registered at police station Punjabi Bagh, New Delhi and aforesaid summoning order of 29th May, 2017 shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.