
(2019) 05 DEL CK 0555

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2407 Of 2019

Pradeep Kumar & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 03-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 341, 354A, 504, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0555

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Kali Charan, M.P. Singh, Parvesh Chaudhary

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

Quashing of FIR No.493/2014, under Sections 341/354-A/504/506/34 of IPC, registered at Police Station Harsh Vihar, Delhi is sought on the basis of settlement of 27th November, 2017 reached between the parties.

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 she has been identified to be so, by SI Vinit Kumar on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that the differences between the parties have been amicably resolved as today, she has received compensation of Rs. 1,00,000/- by way of demand draft bearing No. 368226 dated 30th April, 2019 drawn on State Bank of India, Vasundhara Branch, Ghaziabad from petitioners. She affirms the contents of the settlement of 27th November, 2017 and submits that 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."

Since the misunderstanding between the parties now stands mutually and amicably resolved between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

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 two weeks 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.493/2014, under Sections 341/354-A/504/506/34 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.