
(2019) 03 DEL CK 0226

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1516 Of 2019, Criminal
Miscellaneous Application No. 6001 Of 2019

Prem Ram & Ors

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 19-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 288, 337
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0226

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sumit Gaba, Izhar Ahmed

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 56/2018, under Sections 288/337 IPC, registered at police station Naraina, Delhi is sought by petitioners on the basis of affidavits of respondents No.2 & 3.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No.2 is the father and respondent No.3 is the wife of deceased- Mottu @ Ram Kripal and they have been identified to be so, by SI Vikas Sahu on the basis of identity proof produced by them.

Respondents No.2 & 3 present in the Court, submit that the incident in question was purely accidental. They submit that today two demand drafts bearing Nos. 479050 and 479051, both dated 4th March, 2019, amounting to Rs. 80,000/- each, drawn on Syndicate Bank, Branch Tilak Nagar, Delhi in the name of respondents No.2 & 3 respectively, have been handed over to them by petitioners. Respondents No.2 & 3 submit that they have been duly compensated by petitioners. They affirm the contents of their affidavits of 16th March, 2019 supporting this petition and submit that proceedings arising out of 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".

In the facts and circumstances of this case, I find that continuance of proceedings arising out of 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. 56/2018, under Sections 288/337 IPC, registered at police station Naraina, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and application are accordingly disposed of.

Dasti.