
(2019) 08 DEL CK 0197

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3684 Of 2019

Rajan Kumar Anand & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 20-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 384, 406, 420, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 08 DEL CK 0197

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sumesh Gandhi, Izhar Ahmad

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

CRL.M.A.32314/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 3684/2019

Quashing of FIR No.270/2015 under Sections 420/384/406/506/34 of IPC, registered at Police Station Inderpuri, New Delhi is sought on the basis of Mediated Settlement of 7th June, 2019 and affidavit of 29th July, 2019 of respondent No. 2 and on the ground that the disputes which led to registration of the FIR in question, now stands settled between the parties.

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

Respondent No.2, present in the Court, submits that the dispute between the

parties has been amicably resolved and the mediated settlement has been fully acted upon and there was no dishonest inducement or pressure on her. She affirms the contents of her aforesaid affidavit of 29th July, 2019 supporting this petition and submits that the disputes, which led to registration of the FIR in question, now stands settled amongst the parties 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 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 subject matter of the FIR in question has been amicable resolved amongst the parties and the ingredients of offence under Section 384 of IPC are lacking, 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 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.270/2015 under Sections 420/384/406/506/34 of IPC, registered at Police Station Inderpuri, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.