
(2019) 03 DEL CK 0253

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1455 Of 2019

Sahil & Anr

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 18-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 186, 332, 353
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0253

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ramnit Singh, M.P. Singh, Santosh Kumar Pandey, Ashish Kumar Singh

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 190/2013, under Sections 186/353/332/34 of IPC registered at police station Hauz Khas, Delhi is sought on the basis of Affidavit of 2nd March, 2019 of respondent No. 2 and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared 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 the FIR in question and he has been identified to be so, by SI Bharat Lal on the basis of identity proof produced by him.

Respondent No.2-Mahender Kumar, present in the Court, submits that the misunderstanding between the parties has been amicably resolved and he affirms the contents of aforesaid Affidavit of 2nd March, 2019 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, 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".

In the facts and circumstances 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 Rs. 10,000/- to be deposited by petitioners with Prime Minister's National Relief Fund within four weeks from today. Upon placing on record the receipt of costs and handing over its copy to Investigation Officer, FIR No. 190/2013, under Sections 186/353/332/34 of IPC registered at police station Hauz Khas, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and the application are accordingly disposed of.

Dasti.