

(2019) 05 DEL CK 0442

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2463 Of 2019, Criminal
Miscellaneous Application No. 9763 Of 2019

S.R. Katoch

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 07-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 409, 420, 467, 471
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 05 DEL CK 0442

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : H.S. Sharma, M.S.Oberoi

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 49/2008, under Sections 406/409/420/468/ 471/120B IPC, registered at Police Station EOW Crime Branch, New Delhi is sought

on the basis of affidavit of 22nd April, 2019 of respondent No. 2 and on the ground that the misunderstanding which led to registration of the FIR in

question, now stands cleared between the parties. It is submitted that there is no forgery angle involved.

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 Alok Bajpai, on the basis of identity proof produced by her.

Respondent No. 2 present in the Court, submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared

between the parties and now, no grievance against petitioner survives and so, to restore cordiality between the parties, proceedings arising out of the

FIR in question be brought to an end.

During the course of hearing, attention of this Court was drawn to the order of 25th February, 2015 of this Court in CRL.M.C.No. 3512/2014, to

submit that case of petitioner is at par with the case of co-accused Surender Sood & Anr., in Crl.M.C. 3512/2014 against whom this very FIR stands

quashed.

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;

In the facts and circumstances of this case and on the parity aspect, 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 in question, 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

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, of FIR No. 49/2008, under Sections 406/409/420/ 468/471/120B IPC, registered at Police Station EOW Crime Branch, New Delhi and the

proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.