

(2019) 03 DEL CK 0269

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1647 Of 2019, Criminal
Miscellaneous Application No. 6591 Of 2019

Tushar & Anr

APPELLANT

Vs

Nct Of Delhi & Ors

RESPONDENT

Date of Decision : 28-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 308
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 03 DEL CK 0269

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Iftekhhar Ahamd, Izhar Ahmad

Final Decision : Disposed Off

Judgement

Quashing of FIR No. 721/2018, under Section 308 of IPC, registered at Police Station Mukherjee Nagar, District-North West, Delhi is sought on the basis of affidavits of 26th March, 2019 of respondent Nos. 2 & 3 and on the ground that the misunderstanding which led to registration of the FIR in question, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that respondent Nos.2 & 3, present in the Court, are the complainants/first-informants of FIR in question and they have been identified to be so, by ASI Shishu Bhan, on the basis of identity proof produced by them.

Respondent Nos. 2 & 3, present in the Court, submit that the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties. Respondent Nos. 2 & 3 affirm the contents of their affidavits of 26th March, 2019 supporting this petition and submits that now, no grievance against petitioners survives and to restore cordiality amongst parties, who are known to each other, 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 in question, now stands cleared amongst the parties.

Accordingly, this petition is allowed subject to costs of Rs. 20,000/-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. 721/2018, under Section 308 of IPC, registered at Police Station Mukherjee Nagar, District-North West, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition and application are accordingly disposed of.

Dasti.