

Anil Kumar vs.state & Ors.

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SooperKanoon Citation : sooperkanoon.com/1221756

Court : Delhi

Decided On : Feb-27-2019

Appellant : Anil Kumar

Respondent : State & Ors.

Advocate for Pet/Ap. : Mr. Javed Ashraf Khan

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI CRL.M.C. 1130/2019 & Crl.M.A. 4420/2019 ANIL KUMAR

... Petitioner

Through: Mr. Javed Ashraf Khan, Advocate Date of Order: February 27, 2019
STATE & ORS. Versus Through: Mr. M.S.Oberoi, Additional Public

... RESPONDENTS

Prosecutor for respondent-State with SI Prem Pal Sharma Mr. Mohd. Ayaz,
Advocate with respondents No.2 & 3 in person CORAM: HON'BLE MR. JUSTICE
SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.625/2018, under Sections

IPC, registered at police station Mukherjee Nagar, Delhi is sought on the basis of affidavits of 6th February, 2019 of second and third respondents. Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that

respondents No.2 & 3, present in the Court, are the complainant party of the FIR in question and they have been identified to be so, by SI Prem Pal Sharma on the basis of identity proof produced by them.

... RESPONDENTS

No.2, wife of petitioner and respondent No.3, daughter of petitioner, submit that the misunderstanding between the parties now stands cleared and they are happily living with petitioner for last two months.

... RESPONDENTS

No.2 and 3 affirm the contents of their Affidavits of 6th February, 2019 supporting this petition and submit that to restore cordiality amongst the parties, the proceedings arising out of CrI.M.C. 1130/2019 Page 1 of 2 the FIR in question be brought to an end. Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat (2017) 9 SCC641 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. from 16.8. Criminal cases involving offences which arise financial, mercantile, partnership or similar commercial, 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 misunderstanding between the parties now stands cleared, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility. Accordingly, FIR No.625/2018, under Sections

IPC, registered at police station Mukherjee Nagar, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioner. This petition and application are accordingly disposed of. Dasti. FEBRUARY27 2019 r CrI.M.C.

