

**Devender Kumar Goel vs.the State (Govt of Nct of Delhi) & Ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/1222030](http://sooperkanoon.com/1222030)

**Court :** Delhi

**Decided On :** Mar-14-2019

**Appellant :** Devender Kumar Goel

**Respondent :** The State (Govt of Nct of Delhi) & Ors.

**Judgement :**

\* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 14, 2019 CRL.M.C. 1390/2019 & Cri.M.A. 5544-45/2019 DEVENDER KUMAR GOEL  
.....

... Petitioner

Through: Mt. Mukesh Kalia & Ms. Sukhi Gupta, Advocates. Versus THE STATE (GOVT OF NCT OF DELHI) & ORS. .

... RESPONDENTS

Through: Mr. Izhar Ahmed, Additional Public Prosecutor for respondent No.1-State with ASI Praveen Kumar.

... RESPONDENTS

No.2 to 4 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

**ORDER**

(ORAL) Quashing of FIR No.459/2015, under Sections 287/304A/506 IPC, registered at police station Paharganj, Delhi is sought by petitioner on the basis of affidavits of respondents, i.e. the complainant party. Upon notice, learned

Additional Public Prosecutor for respondent- State submits that respondent No.2 is the complainant of FIR in question and respondent No.3 is the wife of deceased- Ramaswami and respondent No.4 is the son deceased and they have been identified to be so, by ASI Praveen Kumar on the basis of identity proof produced by them. Crl.M.C.1390/2019 Page 1 of 3 Respondent No.3 present in the Court, submits that petitioners factory had accidentally caught fire and at that time petitioner was not present there and that petitioner is not responsible for her husbands death.

... RESPONDENTS

No.3 and 4 submit that they have been duly compensated by petitioner.

... RESPONDENTS

affirm the contents of their affidavits filed in support of this petition and submit that proceedings arising out of 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 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 FIR in question would be an exercise in futility. Accordingly, this petition is allowed subject to costs of 30,000/- to be deposited by petitioner with Prime Ministers National Relief Fund within two weeks from today. Upon placing on record the proof of Crl.M.C.1390/2019 Page 2 of 3 deposit of costs within a week thereafter and handing over its copy to the

Investigating Officer, FIR No.459/2015, under Sections 287/304A/506 IPC, registered at police station Paharganj, Delhi and the proceedings emanating therefrom shall stand quashed. This petition and application are accordingly disposed of. Dasti. (SUNIL GAUR) JUDGE MARCH14 2019 r CrI.M.C.1390/2019  
Page 3 of 3

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