

Prem Ram & Ors. Vs.the State & Ors.

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Court : Delhi

Decided On : Mar-19-2019

Appellant : Prem Ram & Ors.

Respondent : The State & Ors.

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 19, 2019 CRL.M.C. 1516/2019 & CrI.M.A. 6001/2019 PREM RAM & ORS.

... Petitioner

s Through: Mr. Sumit Gaba, Advocate. Versus THE STATE & ORS.

... RESPONDENTS

Through: Mr. Izhar Ahmed, Additional Public Prosecutor for respondent No.1-State with SI Vikas Sahu.

... RESPONDENTS

No.2 & 3 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.56/2018, under Sections

IPC, registered at police station Naraina, Delhi is sought by petitioners on the basis of affidavits of respondents No.2 & 3. Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No.2 is the father and respondent No.3 is the wife of deceased- Mottu @ Ram Kripal and they have

been identified to be so, by SI Vikas Sahu on the basis of identity proof produced by them.

... RESPONDENTS

No.2 & 3 present in the Court, submit that the incident in question was purely accidental. They submit that today two CrI.M.C. 1516/2019 Page 1 of 3 demand drafts bearing Nos. 479050 and 479051, both dated 4th March, 2019, amounting to 80,000/- each, drawn on Syndicate Bank, Branch Tilak Nagar, Delhi in the name of respondents No.2 & 3 respectively, have been handed over to them by petitioners.

... RESPONDENTS

No.2 & 3 submit that they have been duly compensated by petitioners. They affirm the contents of their affidavits of 16th March, 2019 supporting 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 10,000/- to be deposited by petitioners with Prime Ministers National Relief Fund CrI.M.C. 1516/2019 Page 2 of 3 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, FIR No.56/2018, under Sections IPC, registered at police station Naraina, Delhi and the proceedings emanating therefrom shall stand quashed. This petition and application are accordingly disposed of. Dasti. (SUNIL GAUR) JUDGE MARCH19 2019 r CrI.M.C. 1516/2019
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