

**Devender Kumar @ Dhirender & Ors. Vs.state & Anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/1222198](http://sooperkanoon.com/1222198)

**Court :** Delhi

**Decided On :** Mar-25-2019

**Appellant :** Devender Kumar @ Dhirender & Ors.

**Respondent :** State & Anr.

**Judgement :**

\* + + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 25, 2019 CRL.M.C. 1554/2019 & CrI.M.A. 6237/2019 DEVENDER KUMAR @ DHIRENDER & ORS. ....Petitioners Through: Mr. Kunwar Nagendra & Mr. Narender Kumar, Advocates. STATE & ANR. Versus Through: Mr. Izhar Ahmed, Additional .....Respondents Public Prosecutor for respondent No.1-Statewith ASI Ravinder Kumar. Mr. Manzar Anis & Ms. Sanjana Premi, Advocates with respondents No.2 to 4 in person. CRL.M.C. 1537/2019 & CrI.M.A. 6136/2019 SH. ABDUL KALIM & ORS. ....Petitioners Through: Mr. Manzar Anis & Ms. Sanjana STATE & ORS. Premi, Advocates. Versus Through: Mr. Izhar Ahmed, Additional .....Respondents Public Prosecutor for respondent No.1-State with ASI Ravinder Kumar. Mr. Kunwar Nagendra & Mr. Narender Kumar, Advocates with respondents No.2 to 6 in person. CRL.M.C. 1554/2019 CRL.M.C. 1537/2019 Page 1 of 4 CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

**ORDER**

(ORAL) In the above captioned first petition [CRL.M.C. 1554/2019]., quashing of FIR No.220/2013, under Sections 308/324/452/323/4 IPC and in the above captioned second petition [CRL.M.C. 1537/2019]., cross FIR

No.221/2013, under Sections 308/341/3

IPC, both registered at police station Sonia Vihar, Delhi is sought on the basis of affidavits of complainant party and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that Abdul Gani is complainant of FIR No.220/2013 and Ram Niwas is the complainant of FIR No.221/2013 and complainant party are present in the Court and they have been identified to be so, by their counsel as well as by ASI Ravinder Kumar on the basis of identity proof produced by them. The complainant party present in the Court, submit that the misunderstanding, which led to registration of FIRs in question, now stands cleared between the parties.

#### ... RESPONDENTS

No.2 to 4 in the above captioned first petition, affirms the contents of their Affidavits of 15th March, 2019 supporting this petition. Similarly, respondents No.2 to 6 in above captioned second petition, affirms the contents of their Affidavit of 13th March, 2019 supporting this petition. They submit that now, CRL.M.C. 1554/2019 CRL.M.C. 1537/2019 Page 2 of 4 misunderstanding between the parties who are neighbours, now stands cleared and so, proceedings arising out of the FIRs 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; Upon hearing and on perusal of the FIR of this Case, I

find that continuance of proceedings arising out of the FIRs in question would be an exercise in futility as the misunderstanding, which led to registration of these FIRs, now stands cleared between the parties. Accordingly FIR No.220/2013, under Sections 308/324/ 452/323/4

IPC and cross FIR No.221/2013, under Sections 308/341/3

IPC, both registered at police station Sonia Vihar, Delhi and the proceedings emanating therefrom are hereby quashed. CRL.M.C. 1554/2019 CRL.M.C. 1537/2019 Page 3 of 4 The above captioned two petitions and applications are accordingly disposed of. Dasti. MARCH25 2019 r (SUNIL GAUR) JUDGE CRL.M.C. 1554/2019 CRL.M.C. 1537/2019 Page 4 of 4

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