

Rajesh Kumar and Ors vs.state & Anr

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SooperKanoon Citation : sooperkanoon.com/1222396

Court : Delhi

Decided On : Apr-02-2019

Appellant : Rajesh Kumar and Ors

Respondent : State & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 02, 2019
+ CRL.M.C. 1711/2019 RAJESH KUMAR AND ORS Through: Mr. Awijit Paliwal, Advocate.Petitioners Versus STATE & ANR Through: Mr. Izhar Ahmad, AdditionalRespondents Public Prosecutor for respondent- State with SI Sanjeev Kumar. Ms. Hiral Sehgal, Advocate with respondent No.2 in person.
CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) CRL.M.A.6915/2019 (Exemption) Allowed subject to all just exceptions.
CRL.M.C. 1711/2019 Quashing of FIR No.794/2014, under Sections 323/341/324/506 r/w Section 34 of IPC, registered at Police Station Gandhi Nagar, Delhi is sought on the basis of Respondent No.2s affidavit of 11th March, 2019 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 No.2 present in the Court, is the CRL.M.C. 1711/2019 Page 1 of 3 complainant/first-informant of FIR in question and he has been identified to be so, by SI Sanjeev Kumar, on the basis of identity proof produced by him. Respondent No.2 present in the Court,

submits that the misunderstanding, which led to registration of the FIR in question, now stands cleared between the parties and submits that now, no grievance against petitioners remains and so, to restore cordiality between the parties who are neighbours, the 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 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 the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR in CRL.M.C. 1711/2019 Page 2 of 3 question, now stands cleared between the parties. Accordingly, this petition is allowed subject to costs of 25,000/- to be deposited by petitioners with Prime Ministers 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.794/2014, under Sections 323/341/324/506 r/w Section 34 of IPC, registered at Police Station Gandhi Nagar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. This petition is accordingly disposed of. Dasti. APRIL02 2019 v (SUNIL GAUR) JUDGE CRL.M.C. 1711/2019 Page 3 of 3