

Ashok Kumar Gupta vs.the State (Govt of Nct of Delhi)& Anr.

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SooperKanoon Citation : sooperkanoon.com/1222421

Court : Delhi

Decided On : Apr-03-2019

Appellant : Ashok Kumar Gupta

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

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 03, 2019 CRL.M.C. 1759/2019 & CRL.M.A. 7055/2019 ASHOK KUMAR GUPTA

... Petitioner

Through: Ms. Richa Singh & Mr. Alok Dev, Advocates. Versus THE STATE (GOVT OF NCT OF DELHI)& ANR.....Respondents Through: Mr. M.P. Singh, Additional Public Prosecutor for State with Inspector Dharmendra. Mr. Shaji Sebastian & Mr.Vivek Bharadwaj, Advocates with Respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.64/2015, under Sections 354-A/506/509 of IPC, registered at Police Station Vivek Vihar, Delhi is sought on the basis of affidavit of 20th March, 2019 of respondent No.2 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 complainant/first-informant of FIR in question and she has been identified to be so,

by Inspector Dharmendra, on the basis of identity proof produced by her. CrI.M.C. 1759/2019 Page 1 of 3 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 in terms of the settlement of 26th February, 2019. Respondent No.2 affirms the contents of her affidavit of 20th March, 2019 supporting this petition and submits that now, no dispute against petitioner survives and so, to restore cordiality between the parties, 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. 16.8. Criminal cases involving offences which arise from 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 CrI.M.C. 1759/2019 Page 2 of 3 question, now stands cleared amongst the parties. Accordingly, this petition is allowed subject to costs of 10,000/- to be deposited by petitioner 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.64/2015, under Sections 354-A/506/509 of IPC, registered at Police Station Vivek Vihar, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. This petition and application are accordingly disposed of. Dasti. APRIL03 2019 pma (SUNIL GAUR) JUDGE CrI.M.C. 1759/2019 Page 3 of 3