

Islam & Ors vs.the State & Anr

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Court : Delhi

Decided On : Apr-15-2019

Appellant : Islam & Ors

Respondent : The State & Anr

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 15, 2019
+ CRL.M.C. 2029/2019 & CRL.M.A. 8023/2019 ISLAM & ORS Through: Mr. J.S. Kanwar, Advocate.Petitioners Versus THE STATE & ANRRespondents
Through: Mr. M.S.Oberoi, Additional Public Prosecutor for respondent-State with ASI Raham Singh. Respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.121/2013, under Sections 3 of IPC, registered at Police Station Ghazipur, Delhi is sought on the basis of Affidavit of 7th February, 2019 of respondent No.2 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 is present in the Court, is the complainant/first-informant of FIR in question and he has been identified to be so, by ASI Raham Singh, on the basis of identity proof produced by him. Respondent No.2 present in the Court, submits that the CRL.M.C. 2029/2019 Page 1 of 3 misunderstanding, which led to registration of the FIR in question, now stands

cleared between the parties. He affirms the contents of his aforesaid affidavit of 7th February, 2019 supporting this petition and submits that now, no grievance against petitioners survives and so, to restore cordiality between the parties, who are relatives, 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 proceedings, 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 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 question, now stands cleared between the parties. CRL.M.C. 2029/2019 Page 2 of 3 Accordingly, this FIR No.121/2013, under Sections 3 of IPC, registered at Police Station Ghazipur, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners. This petition and the application are accordingly disposed of. APRIL15 2019 v (SUNIL GAUR) JUDGE CRL.M.C. 2029/2019 Page 3 of 3

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