

Praveen Kumar & Ors vs.state & Anr

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SooperKanoon Citation : sooperkanoon.com/1222786

Court : Delhi

Decided On : Apr-24-2019

Appellant : Praveen Kumar & Ors

Respondent : State & Anr

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: April 24, 2019 CRL.M.C. 2160/2019 & CRL.M.A. 8613/2019 PRAVEEN KUMAR & ORSPetitioners Through: Mr. Vijay K. Sondhi, Mr. Ajay Sondhi, Mr. Karan Dev Chopra & Mr. Ambar Tewari, Advocates. Versus STATE & ANRRespondents Through: Mr. M.P. Singh, Additional Public Prosecutor for State with SI Jaibir Singh. Mr. Vaibhav and Ms. Monica with Respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Quashing of FIR No.96/2019, under Sections 354/509/5

of IPC, registered at Police Station Lodhi Colony, New Delhi is sought on the basis of affidavit of 23rd April, 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 Crl.M.C. 2160/2019 Page 1 of 3 identified to be so, by SI Jaibir Singh, on the basis of identity proof produced by her. Respondent No.2 present in the Court, submits that

the misunderstanding, which led to registration of the FIR in question, now stands cleared amongst the parties and now, no grievance against petitioners survives and so, to restore cordiality amongst 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 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 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 question, now stands cleared amongst the parties. Crl.M.C. 2160/2019 Page 2 of 3 Accordingly, this petition is allowed subject to costs of 10,000/- 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.96/2019, under Sections 354/509/5

of IPC, registered at Police Station Lodhi Colony, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners. This petition and application are accordingly disposed of. Dasti. (SUNIL GAUR) JUDGE APRIL 24 2019 pma Crl.M.C. 2160/2019 Page 3 of 3