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Mohar Singh & Anr vs.the State & Ors

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Court : Delhi

Decided On : Aug-20-2019

Appellant : Mohar Singh & Anr

Respondent : The State & Ors

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: August 20, 2019 CRL.M.C. 4043/2019 & CRL.M.A. 33646/2019 MOHAR SINGH & ANR .....Petitioners Through: Mr. Jai Subhash Thakur, Advocate. Versus THE STATE & ORS .....Respondents Through: Mr. Izhar Ahmad, Additional Public Prosecutor for State with SI Harvinder Singh. Respondent Nos. 2 to 4 in person. CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL) Quashing of FIR No.312/2018, under Sections 323/324/5
of IPC, registered at Police Station Mangol Puri, Delhi is sought on the basis of affidavits of 31st July, 2019 of respondent Nos. 2 to 4 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 Nos. 2 to 4, who are present in Court, are the complainants of FIR in question and they have been identified to be so, by SI Harvinder Singh, on the basis of identity proof produced by them. Respondent Nos. 2 to 4, present in the Court submit that the Crl.M.C. 4043/2019 Page 1 of 3 misunderstanding amongst the parties has been amicably resolved. They affirm

the contents of their affidavits of 31st July, 2019 and submit 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, who are related to each other, 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 SCC641has 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. 4043/2019 Page 2 of 3 Consequentially, FIR No.312/2018, under Sections 323/324/5
of IPC, registered at Police Station Mangol Puri, Delhi and the proceedings emanating therefrom are hereby quashed qua petitioners. This petition and application are accordingly disposed of. (SUNIL GAUR) JUDGE AUGUST20 2019 pma Crl.M.C. 4043/2019 Page 3 of 3

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