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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 450/2024**

**ARBABULLAH KHAN @ ZEESHAN AND ORS.....** Petitioners

Through: Mr. Ajeet Kumar and Mr. Chandra  
Gupta Maurya, Advs. alongwith all  
petitioners.

versus

**STATE GOVT. OF NCT DELHI AND ANR** ..... Respondents

Through: Mr. Amit Peswani, Adv. for Ms.  
Nandita Rao, ASC (Crl.) for State.  
SI Jaivind Kumar, PS Jamia Nagar.  
R-2 in person.

**CORAM:**

**HON'BLE MR.JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**25.04.2024**

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0273/2023, under Sections 419/420/467/468/471/120B/34 of Indian Penal Code, 1860 registered at P.S.: Jamia Nagar, Delhi.
2. The petitioners and respondent no. 2 jointly submit that on account of some differences, the FIR in question came to be lodged at the instance of respondent no. 2/complainant. However, during the pendency of the bail proceedings, on 24.11.2023, following observations came to be recorded by this Court in BAIL APPLN. 3551/2023:-



*“1. The counsel for the petitioner stated that the petitioner has paid Rs. 12,00,000/- to the complainant who is present in court and has also acknowledged the same which is the consideration amount in respect of the act subject matter of the present FIR.*

*2. The counsel for the petitioner stated that the petitioner is ready and willing to join the investigation as and when directed by the concerned Investigating Officer. The complainant also acknowledged the receipt of Rs. 12,00,000/- from the petitioner which he has paid in lieu of the purchase of the property as mentioned in the FIR.*

*3. The petitioner is directed to join the investigation on 27.11.2023 at 02:30 P.M. at P.S. Jamia Nagar and on the subsequent date as and when directed by the Investigating Officer. Till then the petitioner shall not be arrested.*

*4. List on 07.02.2024.”*

3. The parties, therefore, submit that since the grievance of the complainant has been resolved to the satisfaction of the petitioners and at this stage, the respondent no. 2/complainant does not want to prosecute the case/FIR against the petitioners. Petitioners and respondent no. 2 submit that the FIR be quashed in view of the settlement between the parties.

4. Learned APP for the State submits that in view of the amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

5. Having gone through the material available on record, this Court finds that the dispute is primarily related to certain property. The same appears to be of civil in nature. Since the same has been amicably settled and resolved, this Court does not have any reason to doubt the genuineness of the settlement.



6. Petitioners in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure, 1973. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. The disputes between parties mainly relate to a civil dispute. In view of settlement between the parties, no purpose shall be served by keeping the proceedings pending. Keeping in view the totality of the facts and circumstances of the case, this Court is of the opinion that the continuity of proceedings would be an abuse of process of Court. Consequently, FIR No. 0273/2023, under Sections 419/420/467/468/471/120B/34 IPC registered at P.S.: Jamia Nagar, Delhi stands quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

**PURUSHAINDRA KUMAR KAURAV, J.**

**APRIL 25, 2024/akc**