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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2120/2024, CRL.M.A. 20583/2024**

ASHISH KUMAR

.....Petitioner

Through: Mr. Pushpender Sharma, Mr. Akshay
Sharma, Advs.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Nandita Rao, ASC with SI
Sachin PS Baba Hari Das Nagar
Mr. Anik Hooda, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.08.2024

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1. The present petition has been filed seeking quashing of FIR No. 512/2022 registered at PS Baba Haridas Nagar under Sections 420/468/471 IPC.
2. The FIR was lodged on the complaint of respondent No.2 against the petitioner for unauthorized occupation of his plot bearing No. 108-D, D Block, Nirmal Vihar, Najafgarh, New Delhi-110043. However, now the parties have reached on a settlement arrived at Delhi Centre dated 01.07.2024 for sum of Rs.30,00,000/- on following terms and conditions;

(a) Both the parties have settled all their claims/disputes with regard to present execution as well as compoundable offence only in the above mentioned connected case for a sum of Rs. 30,00,000/- (Rupees thirty lacs only), as full and final settlement, which shall be paid by the JD to the DH by way of



demand draft/online transfer in the bank account of DH, bearing account number 2958000101386810, at Punjab National Bank, Qutub Garh, Delhi, Branch having IFSC Code... PUNB0295800, in three installments as under :-

(1) First installment of Rs. 10,00,000/- (Rupees ten lacs only) i.e. Rs. 5,00,000/- (five lacs only) has been paid by the JD to the DH by way of online transfer and a sum of Rs. 5,00,000/- (five lacs only) has been paid by the JD to the DH by way of cheque bearing number 488542 dated 01.07.2024 drawn on Karnataka Bank, Gurugram, Haryana. DH acknowledges the receipt of the said cheque.

(ii) Second installment of Rs. 10,00,000/- (Rupees ten lacs only) shall be paid by the JD to the DH on or before 08.07.2024.

iii) Third installment of Rs. 10,00,000/- (Rupees ten lacs only) shall be paid by the JD to the DH/complainant at the time of quashing of FIR No 512/2022, State Vs. Ashish, P.S. Baba Haridas Nagar, U/s 420/468/471 IPC. before the Hon'ble High Court of Delhi. JD shall move appropriate petition(s) for quashing of abovesaid FIR, before the Hon'ble High Court of Delhi, on or before 01.08.2024. The complainant Sh. Rakesh, in the abovesaid FIR undertakes to appear before the Hon'ble High Court of Delhi to sign the necessary affidavits, NOC and to cooperate in getting the said proceedings quashed. It has been apprised to the parties that if the parties move quashing petition, then the quashing of the present FIR is the discretionary power of the Hon'ble High Court of Delhi. All the claims have been settled in totality for quashing of above-mentioned FIR and proceedings emanating therefrom qua all person(s)/respondent(s) named in the abovesaid FIR.

(b) The DH shall execute the necessary documents with respect to the suit property i.e. Plot no. 108-D, D-Block, Nirmal Vihar, Najafgarh, New Delhi 100043, on or before 25.07.2024 and shall handover the original documents alongwith chain of documents to the JD at the time of quashing of the abovesaid FIR.



(c) Both the parties shall make appropriate statements before the Ld. Referral Court, in terms of this settlement, on the date fixed.

3. The parties are present in Court today and have been duly identified by the IO. Respondent No.2/complainant submits that he has received the entire amount of Rs.30,00,000/- as per the settlement dated 1.07.2024. Respondent No.2 further submits that he has entered into the settlement with the petitioner out of his own free will without any fear, force or coercion.
4. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Reliance can be placed on ***Narinder Singh & Ors. v. State of Punjab & Anr.***, (2014) 6 SCC 466 wherein it was inter alia held that the High Court can quash criminal proceedings in non-compoundable offenses if the compromise is not coerced, and the offense is not heinous or involves a serious breach of public morality.
5. In ***Usha Chakraborty & Anr. v. State of West Bengal & Anr*** SLP (Crl.) 5866 of 2022 it was inter alia held that where a dispute which is essentially of a civil nature, and is given a cloak of a criminal offence, then such disputes can be quashed, by exercising the inherent powers under Section 482 of the Cr.P.C.
6. I have perused the settlement on record. Hence, the parties have



reached on the settlement without any threat, coercion or undue influence. In view of the forgoing submissions, the present FIR No. 512/2022 registered at PS Baba Haridas Nagar under Sections 420/468/471 IPC is hereby quashed.

7. The property documents, if any, seized by the IO during the investigation received by the IO, be released to the parties in accordance with the law.

DINESH KUMAR SHARMA, J

AUGUST 22, 2024

Pallavi/KR