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

+ **CRL.M.C. 5682/2019 & CRL.M.A. 39828/2019**

KIRAN KAUR & ANR.

.....Petitioners

Through: Mr. Hemlata Rawat, Mr. Abhay Singh, Advocates along with Petitioners No. 1 & 2 in person

versus

STATE & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Shubham, PS Maurya Enclave
Ms. Damanjit Kaur, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.05.2025

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR No. 423/2010 registered under Sections 420/174A/201/120B/34 of the Indian Penal Code, 1860² at P.S. Maurya Enclave and all other proceedings emanating therefrom.

2. The case of the Complainant, which resulted in the registration of the FIR, stems from a property-related dispute, the specifics of which have been captured in detail, in the previous order. The Petitioners have now approached this Court seeking quashing of the FIR based on a settlement arrived at with the Complainant/ Respondent.

¹ "Cr.P.C."

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3. Pertinently, pursuant to the settlement, the Petitioners and the Complainant executed a settlement agreement dated 9th September 2016, following which they approached this Court in CrI. M.C. 3910/2016. However, the Petitioners subsequently withdrew the said petition to compound the offence under Section 420 IPC before the Trial Court. When the Petitioners approached the Trial Court, they were referred to mediation, resulting in a further settlement reflected in the mediation report dated 26th March, 2019, based on the prior settlement agreement of 9th September, 2016. Despite this, the Trial Court refrained from compounding the offences, prompting the Petitioners to file the instant petition.

4. Be that as it may, the parties have now amicably resolved their dispute with Respondent No. 2, as evidence by Settlement Agreement dated 9th September, 2016 as well as the agreement dated 26th March, 2019, executed before the Delhi Mediation Centre, Rohini District Courts, Delhi. In terms of the mediation agreement, Respondent No. 2 has consented to the compounding of the offences and has no objection to the quashing of the subject FIR.

5. In the foregoing factual background, this Court had passed a detailed order on 05th May, 2025. However, the proceedings were adjourned to await the appearance of Respondent No. 3, who has now appeared and been duly identified by the Investigating Officer. It was been brought to the Court's attention that Respondent No. 3 had previously absconded, following which a charge under Section 174A IPC was added against him through a supplementary chargesheet.

6. The Complainant (Respondent No. 2) is present through video conferencing mechanism, and has been duly identified by the IO. He

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confirms the settlement arrived at between the parties, and states that the dispute stands amicably resolved. Accordingly, he submits that he has no objection to the quashing of the FIR, and an affidavit cum No Objection Certificate to this effect has also been placed on record. Respondent No. 2 further states that he also has no grievance against Respondent No. 3, and has no objection to the FIR being quashed as against him as well. The statement of Respondent No. 2 is duly taken on record.

7. The Court has considered the submissions of the parties. While the offences under Sections 174A and 201 of the IPC are non-compoundable, Section 420 IPC is compoundable by the person so cheated, with the permission of the Court. It is well-settled that in the exercise of its inherent powers under Section 482 Cr.P.C. (now Section 582 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**³ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

[Emphasis added]

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁴

³ (2012) 10 SCC 303

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the Supreme Court held as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. **No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.** However, this power is to be exercised sparingly and with caution.

29.2. **When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:**

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

8. The Supreme Court has consistently held that in cases where the

complainant has entered into a voluntary and *bona fide* settlement, and is no

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longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

9. However, it must be noted that Respondent No. 3 was declared a proclaimed offender, prompting the initiation of proceedings under Section 82 Cr.P.C., which ultimately led to the invocation of the offence under Section 174A IPC against him. Therefore, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if Respondent No. 3 is put to cost.

10. In view of the above, the impugned FIR No. 423/2010 registered under Sections 420/174A/201/120B/34 of the Indian Penal Code, 1860 at P.S. Maurya Enclave and all other proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 5,000/- by Respondent No. 3 to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned IO.

11. The parties shall remain bound by the terms of settlement.

12. Accordingly, the petition is disposed of along with pending

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application.

SANJEEV NARULA, J

MAY 21, 2025/ab

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