



\$~57

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

+ **CRL.M.C. 159/2025 & CRL.M.A. 854/2025**

AMBIKA JHA

.....Petitioner

Through: Mr. Sanjay Kr. Jha, Mr. Umang Jain,
Advocates with Petitioner in person

versus

THE STATE THROUGH S.H.O. & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP for the
State with SI S.K. Jha, PS Burari

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.07.2025**

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 283/2010³ dated 27th September, 2010, registered under Sections 420/467/468/471/120-B of the Indian Penal Code, 1860⁴ at P.S. Burari and all other proceedings emanating therefrom. A chargesheet has also been filed in the abovementioned FIR wherein two other co-accused have been named, apart from the Petitioner.
2. Briefly stated, the case of Respondent No. 2 [Complainant] is that he is the lawful owner of property bearing Khasra No. 14/14, Property No. 590, measuring 40 sq. yds., situated in Village Kamalpur Majra, Burari, Abadi

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



known as A-2 Block, West Sant Nagar, II Block, Chandan Vihar, Delhi-110084. As he was residing in Noida, he did not require the premises and, in April 2006, entrusted Jitender Jha, a co-accused, with its care. However, in November 2008, the Complainant discovered that the premises were being occupied by a third party, Anwar Ali, who claimed to be a tenant of Ambika Jha, the Petitioner. Upon inquiry, it was revealed that she had allegedly purchased the plot from one Kishan, the other co-accused, who was falsely represented as the owner. The Complainant alleged that he never sold the property to anyone and the accused persons had conspired and forged his signatures on the title documents. The Petitioner, however, claimed ownership over the said property on the basis of documents executed by Kishan Kumar. A civil suit was also instituted by Respondent No. 2 against the Petitioner in this regard.

3. The parties state that, with the intervention of respected members of the locality, the parties have amicably resolved their dispute and Respondent No. 2 does not wish to pursue the present FIR against the Petitioner. Pursuant to this settlement, a Memorandum of Understanding dated 28th November, 2024, has been executed between the Petitioner and Respondent No. 2. As per the terms of settlement, Respondent No. 2 agreed to withdraw all pending cases against the Petitioner, who in turn undertook to hand over peaceful and vacant possession of the property in question to Respondent No. 2 on a payment of INR 5,00,000/- to her. A copy of the MoU has been placed on record and perused by the Court.

4. The settlement amount has already been paid on an earlier date by way of a Demand Draft bearing DD No. 001019. A copy of the said demand draft has been handed over across the board.



5. The statements of the Petitioner, Respondent No. 2 and the Investigating Officer were recorded before the Joint Registrar of this Court on 08th April, 2025. The Petitioner confirmed that she had received the entire settlement amount from Respondent No. 2 and that she has handed over peaceful and vacant possession of the property. Respondent No. 2 stated that he had voluntarily, and without any pressure or coercion, settled the dispute with the Petitioner and has no objection to the quashing of the impugned FIR.

6. Respondent No. 2, who is appearing through video conferencing, and the Petitioner, who is present in Court, have been duly identified by the Investigating Officer. Both parties confirm their statements made before the Joint Registrar. The Petitioner further confirms having received the settlement amount and Respondent No. 2 reiterates that he has no objection to the quashing of the impugned FIR. The affidavit of no-objection is on record.

7. Mr. Tarang Srivastava, APP for the State apprises the Court that the other co-accused in this case are absconding. He, therefore, prays that if relief is granted to the Petitioner, the FIR against the other co-accused who are absconding should not be quashed.

8. In light of the amicable settlement and the facts on record, the charge-sheet and proceedings against the Petitioner can be quashed without affecting the right of the State to prosecute the other co-accused.

9. The Court has considered the submissions of the parties. While the offences under Sections 467, 468 and 471 of IPC are non-compoundable, offence under Section 420 of 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 CrPC (now Section 528 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.**⁵ 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]

10. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ 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 quiding***

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

11. The Complainant has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no 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. In these circumstances, the Court finds that continuing criminal proceedings against the Petitioner, against whom Complainant's grievances have now been mutually resolved, would serve no useful purpose.



12. However, since the FIR also implicates other co-accused and chargesheet has been filed, in the opinion of the Court, the chargesheet and other consequential proceedings *qua* only the Petitioner deserve to be quashed. It is clarified that the chargesheet as well as the FIR against the other co-accused, namely, Krishan Kumar and Jitendra Jha shall continue and the State shall be at liberty to prosecute the case against them in accordance with law.

13. The parties shall abide by the terms of settlement.

14. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

JULY 11, 2025/ab