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

+ CRL.M.C. 491/2025 and Crl. M.A. Nos. 2327/2025 and 2328/2025

SATYA KUMAR SHARMAPetitioner

Through: Mr. Kshitiz Ahuja, Advocate

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Rajesh Kumar PS Vijay
Vihar

Mr. Surendra Mohan Prasad and Mr.
Sandeep Kumar Gupta, Advocate
with Complainant/R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.04.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 500/2012, under Section 448 of the Indian Penal Code, 1860³, registered at P.S. Vijay Vihar and all proceedings emanating therefrom.

2. Briefly, the case of the prosecution against the Petitioner is that Respondent No. 2 - the Complainant was a tenant of the Petitioner, who ran a furniture manufacturing factory at a property rented out from the Petitioner at INR 3,000/- per month. After taking the premises on rent, the

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Complainant had changed the lock of the factory and also deposited INR 15,000/- as security with the Petitioner. On 29th December, 2012, when the Complainant came to the factory, he discovered that the lock was broken. After enquiry, he was informed that his landlord, the Petitioner had taken out all the Complainant's belongings and equipment kept in the factory and had thrown the same on the roof. Aggrieved by this loss, the Complainant gave his statement to the police and the subject FIR was registered against the Petitioner, under Section 448 of IPC, at P.S. Vijay Vihar. After investigation, a chargesheet under Sections 448, 380 and 411 of the IPC was also filed by the Investigating Officer, and the proceedings in the matter are pending before the Judicial Magistrate First Class, North-West, Rohini Courts, Delhi.

3. The parties state that on 9th January, 2025, with the intervention of friends and family members, the parties voluntarily arrived at an oral compromise and Respondent No. 2 has amicably resolved the dispute with the Petitioner. Further, as per the compromise, Respondent No. 2 has decided not to pursue the present FIR against him. In this regard, Petitioner agreed to pay INR 1,00,000/- to Respondent No. 2 (Complainant). Against this amount, the Petitioner paid INR 30,000/- to Respondent No. 2 *via* Paytm UPI payment on 9th January, 2025. The payment confirmation receipt has been annexed with the present petition. As per the settlement, the Petitioner further agreed to pay the remaining INR 70,000/- at the time of quashing of the subject FIR.

4. During the course of the present proceedings, the statement of Respondent No. 2 (the Complainant) was recorded before the Joint Registrar of this Court on 18th March, 2025, wherein Respondent No. 2 has confirmed



that he has voluntarily and without any pressure or coercion from anyone, settled his dispute with the Petitioner. He also confirmed that he received a demand draft for the sum of INR 70,000/0 dated 17th January, 2025 which stands duly honoured and that nothing else remains due in this regard. He has further stated that he has no objection if the subject FIR against the Petitioner and all proceedings emanating therefrom are quashed. It is also noted that Respondent No. 2 has also furnished an affidavit to this effect, which is appended along with the present petition, confirming his no objection to the quashing of the FIR.

5. In view of the settlement, the Complainant, who has appeared before the Court in person and is identified by his counsel, has unequivocally stated that he does not wish to pursue the FIR proceedings. He has confirmed that his decision to settle the matter is voluntary and made without any undue influence or coercion. He has also confirmed the receipt of the full and final settlement amount of INR 1,00,000/- from the Petitioner. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 380 of IPC is non-compoundable, the offences under Sections 448 and 411 are compoundable by the person in possession of the property trespassed upon and the owner of the stolen property respectively. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (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.***⁴ 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 an exercise in futility.”

[Emphasis added]

7. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



(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. Although the offence under Section 380 of the IPC (theft in a dwelling house, etc.) cannot be treated as strictly ‘*in personam*’, and it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. 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. 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. In view of the foregoing, the present petition is allowed FIR No. 500/2012, under Section 448 of the IPC, registered at P.S. Vijay Vihar, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

APRIL 4, 2025

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