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

+ **W.P.(CRL) 536/2025**

MOHD MOBIN & ANR.

.....Petitioners

Through: Mr. N. Hariharan, Sr. Advocate, Mr. Prateek Bhalla, Ms. Mallika Chadha, Ms. Punya Rekha, Ms. Vasundhara N., Mr. AmanAkhtar, Ms. Sana Singh, Mr. Vinayak Gautam, Adv.
Petitioners in person.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for the State with Mr. Alok Sharma, Advocate.
Insp. Darpan Singh, P.S. New Ashok Nagar.
Mr. Akshay Soni, Advocate for R-2 and R-3.
R-2 in person.
R-3 in person (through Vc).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, 'BNSS') seeks the following prayers: -

“i. Allow the instant quashing petition under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Quashing of



FIR No. 711/2024 under section 420/467/468/471/34 of the Indian Penal Code, registered at Police Station New Ashok Nagar and the subsequent proceedings emanating thereof against the Petitioners on the basis of Mutual Settlement Between the Petitioners and Respondent No. 2 And 3;

ii. Pass any such order / orders as may deem fit and proper by this Hon'ble Court in the interest of justice."

3. Learned Senior Counsel appearing on behalf of the petitioners submits that during the pendency of the investigation in the present FIR, the dispute between the parties have been settled *vide* Memorandum of Understanding dated 11.02.2025 and in pursuance of the same, respondent Nos. 2 and 3 have no objection, if the present FIR is quashed.

4. Petitioners and respondent No. 2 appear in person and respondent No. 3 appears through video conferencing and have been duly identified by the respective counsels as well as the Investigating Officer, Insp. Darpan Singh, P.S. New Ashok Nagar.

5. Learned ASC (Crl.) for the State submits that the petitioner is involved in two other offences of the similar nature as recorded in the status report dated 21.04.2025. It is further pointed out that the document which was sent by the petitioners to the complainant on his Whatsapp is found to be forged.

6. Learned Senior Counsel for the petitioners submits that insofar as the other two FIRs are concerned, one FIR has been settled and regarding the same, CRL.M.C. 800/2025 has been filed. The other one is in the process of settlement. It is further submitted that so far as the aforesaid document is concerned, it is alleged to have been sent by the petitioners on the phone of the complainant and the said document in original has not been recovered.

7. Learned Senior Counsel relies upon a judgment of Hon'ble Supreme Court in **K. Bharthi Devi and Anr. v. State of Telangana and Anr., (2024)**



10 SCC 384, wherein it is recorded that in criminal cases predominantly of civil nature and having been compromised between the private parties, the power under Section 482 of the Cr.P.C. should normally be exercised unless, the offences alleged are serious in nature and involves moral depravity. Reliance is placed on the following observations of the Hon'ble Supreme Court: -

“34. It has been held that there are certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, the High Court would be justified in quashing the criminal proceedings, even if the offences have not been made compoundable.

37. In para 61 of *Gian Singh* [*Gian Singh v. State of Punjab*, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988], this Court observes that, in which cases power to quash the criminal proceeding or complaint or FIR may be exercised, where the offender and the victim have settled their dispute, would depend on the facts and circumstances of each case. However, the Court reiterates that the criminal cases having an overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing. The Court particularly refers to the offences arising out of commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute.

38. The Court finds that in such cases, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.

41. It could thus be seen that this Court reiterates the position that the 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.”

8. Respondent Nos. 2 and 3 submit that the matter has been settled and they have received the settlement amount of Rs. 37,30,000/- and they have no objection in the present FIR is quashed.

9. In view of the aforesaid circumstances and the law laid down by the Hon'ble Supreme Court, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 711/2024, under Sections 420/467/468/471/34 of the IPC, registered at P.S. New Ashok Nagar.

10. In the interest of justice, the petition is allowed, and the FIR No. 711/2024, under Sections 420/467/468/471/34 of the IPC, registered at P.S. New Ashok Nagar, is hereby quashed, subject to cost of Rs. 1,50,000/- to be deposited by the petitioners with the Delhi High Court Bar Association (Account No. 15530110179338, IFSC Code- UCBA 0001553, UCO Bank, Branch- Delhi High Court) within a period of 10 days.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

APRIL 22, 2025/bsr

[Click here to check corrigendum, if any](#)