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

+ **CRL.M.C. 1213/2025**

PREM DEEP & ORS.

.....Petitioners

Through: Mr. Ramesh Gupta, Mr. Ajay Choudhary, Mr. Ashu Ralhan, Mr. Ishaan Jain and Mr. Surya Pratap Singh, Advocates.
Mr. B. Badrinath, Mr. Dhruv Bhardwaj, Advocates for P-3.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Insp. Rajvir Singh, SI Ajay Swami, PS EOW.
Mr. Jayant Tewathia, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.03.2025

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CRL.M.A. 5425/2025 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.C. 1213/2025

4. The present petition has been filed seeking quashing of FIR No. 0145/2012 dated 29th March, 2012 registered at Police Station Mehrauli for



offences under Sections 120B/420/467/468/471 of the Indian Penal Code, 1860¹. This request is made in light of the amicable settlement reached between the parties, as evidenced by Settlement Deed executed on 10th February, 2024 between the Petitioners and Respondent No.2/ Complainant. A copy of the aforementioned Settlement Agreement has been duly placed on record.

5. The impugned FIR was registered by Respondent No. 2 against Petitioner Nos. 1 and 2, alleging them of having forged and fabricated Certification of Registration bearing Registration No. S/58872/2005, which was purportedly issued in the name of 'Freedom Fighters Vihar', by forging the signature of Mr. J.S. Choudhary, the then Registrar of Societies, Delhi. This certificate was submitted by the Petitioners in their application to the Department of Urban Development (Unauthorized Colonies Cell) for the regularisation of the colony called 'Freedom Fighters Vihar'. Respondent No. 2 filed an application under the Right to Information Act, 2005 before the Commissioner of Industries to ascertain the genuineness of the said certificate. The response to the RTI application revealed that the certificate bearing Registration No. S-58827, along with the genuine signatures of Mr. J.S. Choudhary, was issued to a society named 'Samaj Sudhar Samiti Block B & R Jhuggi Jhopri Ganda Nala Raghbir Nagar New Delhi-27', and not to 'Freedom Fighters Vihar'. Pursuant to the foregoing, the present FIR was registered against Petitioner Nos. 1 and 2. Subsequently, the chargesheet was filed on 2nd December, 2013 against Petitioner Nos. 1 to 3, and supplementary chargesheet on 12th January, 2016 against Respondent Nos. 4 and 5.

¹ "IPC"



6. The Petitioners have now approached the Court, stating that Respondent No. 2, the brother of Petitioner No. 1, had filed the present FIR on account of a familial dispute. They state that the parties have now amicably resolved the dispute, and have entered into a Settlement Deed dated 10th February, 2024, out of their own free will, without any form of duress, coercion, threat, or misrepresentation.

7. The Petitioners and Respondent No. 2 are present in person, and have been duly identified by the Investigating Officer. Respondent No. 2 states that he has no objection to the quashing of the FIR, and has also filed an affidavit to this effect.

8. It must be noted that while the offence under Sections 467 and 468 is non-compoundable, it is well settled that this Court, while exercising its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² [erstwhile Section 482 of the Code of Criminal Procedure, 1973] can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant.

9. In this regard, the Supreme Court has laid down certain parameters and guidelines for the High Courts while accepting settlement and quashing the proceedings. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr.**,³ the Supreme Court made the following observations:

“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:

² “BNSS”

³ (2014) 6 SCC 466.



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.”

10. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁴ the Supreme Court observed as under:

“16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.”

⁴ (2017) 9 SCC 641.



11. The Court has also examined the allegations of forgery levelled against the Petitioners. These allegations pertain to forgery of signatures of Mr. J.S. Choudhary, Registrar of Societies, Delhi, on the Certificate of Registration, which was allegedly submitted by the Petitioners to the Department of Urban Development (Unauthorized Colonies Cell), with the intention of obtaining the benefit of regularizing the colony named 'Freedom Fighters Vihar'. It is pertinent to note that, despite the Petitioners' attempt to avail themselves of the benefits of regularization through the purported forgery, the counsel for the parties have confirmed that ultimately the Petitioners were unable to obtain such benefits. Furthermore, no complaints have been lodged by the Department of Urban Development (Unauthorized Colonies Cell) or any other relevant state departments regarding the alleged forgery of the Certificate of Registration.

12. In view of the law discussed above and the settlement between the parties, and considering that essentially, the dispute involves two brothers, the Court is of the considered opinion that this matter deserves to be given a quietus, as the continuation of the present proceedings would serve no fruitful purpose, but rather only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer.

13. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioners are put to cost.

14. In view of the above, FIR No. 0145/2012 dated 29th March, 2021, registered at P.S. Mehrauli and all consequential proceedings arising therefrom are quashed, subject to payment of a cost of INR 10,000/- by each



of the Petitioners to the Central Delhi Court Bar Association (Rouse Avenue Courts), and INR 10,000/- each 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 SHO.

15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MARCH 26, 2025/PB