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

+ **CRL.M.C. 1288/2025, CRL.M.A. 5801-5802/2025**

ROHIT BINDAL

.....Petitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for
State.

Ms. Meenu Bhan, SI, PS-Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.02.2025**

1. The present application filed under Section 482 Code of Criminal Procedure, 1973¹ read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023² seeks quashing of FIR No. 397/2014³ registered under Sections 406/420/120B of Indian Penal Code, 1860⁴ at P.S. Karol Bagh.
2. Respondent No. 2 filed a complaint with the police, however, since no action was taken, he filed an application under Section 156(3) of Cr.P.C. and through order dated 21st June, 2014, the same was allowed by the Metropolitan Magistrate, Central, Tis Hazari Courts. Pursuant thereto, the impugned FIR was registered.
3. During investigation, under the aforementioned FIR, Non-Bailable

¹ "Cr.P.C."

² "BNSS"

³ "the impugned FIR"

⁴ "IPC"



Warrants were issued against the Petitioner, however, the same remained unserved as he had changed his address. However, since the Petitioner did not join investigation, he was declared as “proclaimed offender” and charged with Section 174A of IPC.

4. When the proceedings emanating from the FIR progressed, the Complainant was examined and his statement was recorded under Section 299 of Cr.P.C. whereby he acknowledged that the matter between him and the Petitioner had been settled. The statement to this effect recorded on 28th August, 2019 categorically notes the following: *“Now, I have settled the entire account with the accused persons and I have no grievance against the accused persons as on date.”*

5. Moreover, the Complainant, Dr. Arvind Bhola, who has joined the proceedings through video conferencing mechanism, categorically states that he has settled all his accounts with the Petitioner and he has no objection to the quashing of the FIR.

6. The offences under Sections 420 and 406 are compoundable in nature. Although, Section 120B was added in the chargesheet, there is no other co-accused. As regards offence under Section 174A of IPC which is non-compoundable, it is noted that the prosecution attempted to serve the Petitioner on the addresses which were available in their records on the basis of the material gathered during investigation. However, since the Petitioner was not available on any of the said addresses, he was never served. In fact, the report of the process server/ bailiff notes as follows: *“ASI Vijender went to the given address, where he got to know that Rohit Bindal s/o KK Bindal, R/o E-48, Panchsheel Park, has vacated the house”*. Thus, notwithstanding the fact that the offence under Section 174A of IPC is non-compoundable,



there are sufficient reasons mentioned above which satisfy this Court that the Petitioner's non-appearance was not wilful or deliberate, but on account of his non-availability on the addresses where the attempt of service was made.

7. Additionally, it is pertinent to note that as per the statement made by the Complainant today, the dispute between the parties, in fact, was settled in 2019 and it is only at this stage, after more than 5 years, that the prosecution has started conducting search of the Petitioner. Thus, consequent to the settlement between the parties, no useful purpose would be served by keeping the proceedings alive.

8. Since the State machinery has been put to motion and the fact that a chargesheet has been filed, ends of justice would be served if the Petitioner is put to cost.

9. In view of the foregoing, the present petition is allowed and the FIR No. 397/2014 and consequential proceedings arising therefore, are quashed, subject to the payment of cost of INR 20,000/- by the Petitioner, with the Delhi Police Welfare Fund, within two weeks from today.

10. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

FEBRUARY 21, 2025

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