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

+ **W.P.(CRL) 896/2025**

PIR GULAM

.....Petitioner

Through: **Mr. Rajeshwari, Advocate**

versus

THE STATE OF GNCT OF DELHI & ANR.Respondents

Through: **Mr. Sanjeev Bhandari, ASC for the
State with SI Akashdeep, PS Jamia
Nagar**

**Mr. Mohd. Asif, Advocate for R-2
Complainant in person through VC**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.05.2025

1. The present writ petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0031/2020 dated 5th February, 2020, under Sections 420/120B/467/468/471/34 of the Indian Penal Code, 1860³, registered at P.S. Jamia Nagar and all proceedings emanating therefrom.
2. Briefly stated, the case of the Prosecution against the Petitioner is that a complaint was received from the Complainant (Respondent No. 2), alleging that he had purchased a piece of land admeasuring 400 square

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



yards, i.e., S-18-1/4, part of Khasra No. 427/260, situated at Village Jogabai Extension, Jamia, Okhla, New Delhi, from its erstwhile owner in the year 2002. In support of this transaction, the previous owner had executed relevant title documents in favour of the Complainant, including a registered General Power of Attorney and a registered Will. Ever since the said transaction, the Complainant has been in settled use and possession of the property, and has erected a boundary wall and constructed rooms thereon. The Complainant further entered into a Collaboration Agreement dated 10th December, 2018 for development of the said property, pursuant to which a multi-storey structure has already been constructed. The Complainant has alleged that the Petitioner, in collusion with his accomplices, with the intent to extort unlawful monetary gain, filed a false and frivolous civil suit [CS No. DJ-317/2019], relying on forged, fabricated, and bogus documents to claim ownership of the subject property. This led to the registration of the present FIR.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 28th January, 2025 was executed between the Petitioner and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, the Petitioner has withdrawn the aforesaid civil suit, and has undertaken not to create any hinderance in the right, title or interest in the subject property. In return, Respondent No. 2 has resolved all disputes



and differences with the Petitioner, and has agreed to voluntarily give his no objection to the quashing of the subject FIR.

5. During the course of the present proceedings, the statement of Mr. Mohd. Asif, counsel representing Respondent No. 2 (the Complainant) was recorded before the Joint Registrar of this Court on 7th May, 2025, wherein he confirmed that Respondent No. 2 has voluntarily executed the MoU with the Petitioner and does not intend to pursue the present FIR.

6. In view of the settlement, the Complainant, who appears before the Court through video conferencing and is duly identified by his counsel, unequivocally states that he does not wish to pursue the FIR proceedings. He submits that the FIR was initially registered due to a misunderstanding concerning the Petitioner. However, with the intervention of family friends, the dispute between the parties has been amicably resolved. Respondent No. 2 affirms that he has voluntarily decided not to pursue the present FIR against the Petitioner, and that this decision has been made of his own free will, without any pressure, threat, or coercion.

7. Mr. Sanjeev Bhandari, ASC for the State, submits that this Court may clarify that nothing stated in this order shall be construed as an expression of opinion of this Court on the merits of the documents forming the subject matter of the FIR.

8. The Court has considered the submissions of the parties. While the offences under Sections 467, 468 and 471 of the IPC are non-compoundable, Section 420 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 Cr.P.C. (now Section 582 BNSS), the Court may,

⁴ “MoU”



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]

8. 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 guiding factor in such cases would be to secure:
(i) ends of justice, or

⁵ (2012) 10 SCC 303

⁶ (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]

9. Although the offences under Sections 467, 468 and 471 of the IPC cannot be treated as strictly ‘*in personam*’, and touch 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.

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

11. In view of the foregoing, the present petition is allowed and FIR No. 0031/2020 under Sections 420/120B/467/468/471/34 of the IPC, registered at P.S. Jamia Nagar and all proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 10,000/- 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 IO.

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

13. It is clarified that this order does shall not be construed as an expression of opinion of this Court on the merits of the documents forming the subject matter of the FIR.

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

SANJEEV NARULA, J

MAY 15, 2025/ab