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

+ CRL.M.C. 1451/2020
ROMESH SHARMA

.....Petitioner

Through: Mr. R.S.Tikku, Senior
Advocate with Mr. S.P.
Kaushal, Mr. Saksham
Kalra and Mr. Aaryan
Sharma, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State with
Insp. Yograj Dalal, PS
Section – 7, EOW.
Mr. Dharmendra Priani,
Mr. Sachin Bhardwaj and
Mr. Dinesh Priani,
Advocates for Ms. Jyoti
Subba (SPA Holder of
Respondent No.2).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.07.2025**

1. The present petition is filed by the petitioner seeking quashing of FIR No. 7/1997 dated 21.08.1997, registered at Police Station S.T.F., for the offences under Sections 448/452/406/506/34 of the Indian Penal Code, 1860 ('IPC') including the proceedings emanating therefrom. The chargesheet has been filed in the present case.

2. It is alleged that the petitioner had approached the complainant for organising a party in the complainant's farm. The petitioner had also paid a sum of ₹2,00,000/- as maintenance charge for keeping possession of the farm for 15 days. It is alleged that since then, the petitioner had grabbed the farm house



illegally. During investigation it was found that the petitioner along with Respondent No.3 (secretary of the petitioner) had conspired to get ownership and possession of the subject farm. Allegedly, a forged lease deed purporting to show that the farm house had been leased to the petitioner was created by forging the signature of the complainant and his wife. A forged GPA in respect of the subject farm was also allegedly prepared by forging the signature of the complainant and his wife. Respondent No.3 had signed the aforesaid lease deed and GPA as a witness, and he had also gotten the forged GPA notarised.

3. Chargesheet has been filed against the petitioner for the offences under Sections 448/452/406/420/467/471/506 of the IPC. Respondent No.3 was charge sheeted for the offences under Sections 467/471 of the IPC.

4. The present petition is filed on the ground that the matter had been amicably settled and the complainant and the petitioner had also executed a Memorandum of Understanding dated 20.01.2018 ('MoU') to the said effect. The complainant had entered into the settlement through his wife, who held a valid GPA in her favour in this respect.

5. Subsequently, the suit filed by the complainant was also decreed pursuant to the joint application filed by the parties under Order XXIII Rule 3 Code of Civil Procedure, 1908.

6. It is also recorded in the MoU that the pending criminal proceedings, including the present FIR, will be brought to an end and steps would be taken for quashing of the present FIR.

7. It is the case of the parties that before any petition for quashing of FIR could be filed, the complainant expired on 27.05.2019.

8. It is not disputed either by the prosecution or by the wife



of the deceased complainant that the deceased had settled the disputes, which has also led to passing of the decree by the Civil Court.

9. Offence under Sections 406/448/420/506 of the IPC are compoundable whereas offences under Sections 452/467/468/471 of the IPC are non-compoundable in nature.

10. It is well settled that the High Court while exercising its powers under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Supreme Court had observed as under :-

"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



(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)

11. Similarly, in the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641**, the Hon'ble Supreme Court had observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.



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.

*16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.***

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal



proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

12. It is relevant to note that the FIR pertains to the year 1997 and almost twenty-eight years have passed since then. The civil suit filed by the complainant has already been decreed pursuant to the settlement so arrived at between the parties. It is not the case of any of the parties that the terms of the settlement have not been complied with. Although Respondent No.3 was not a party to the settlement, however, considering that the main accused and the complainant have settled the matter, continuation of proceedings would only cause undue harassment to the parties.

13. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

14. However, keeping in mind the fact that the matter is pending since the year 1997 and the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.



15. In view of the above FIR No. 7/1997 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹1,00,000/- by the petitioner, to be deposited in the following manner, within a period of four weeks from today:

- a. ₹25,000/- to be deposited with Bar Council of Delhi.
- b. ₹25,000/- to be deposited with Delhi High Court Bar Association.
- c. ₹50,000/- to be deposited with the Delhi Police Welfare Society.

16. Let the proof of deposit of cost be submitted to the concerned SHO.

17. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

JULY 8, 2025

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