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

+ **CRL.M.C. 2487/2025 & CRL.M.A. 11147/2025**

NIHARIKA HANDA

.....Petitioner

Through: Mr. Harshit Ailawadi, Mr. Amarjeet
Singh Sahni, Ms. Muskan Singh,
Advocates
Petitioner in person (through VC)

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Ramvatar, PS Vasant
Vihar
Ms. Aarushi, Advocate for R-2 with
Respondent No. 2 in person (through
VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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29.05.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 1653/2015 under Sections 420 and 34 of the Indian Penal Code, 1860³, registered at P.S. Vasant Vihar (South) and all proceedings emanating therefrom. In addition, due to Petitioner's failure to join the investigation, proceedings under Section 82 Cr.P.C were initiated against her. She was declared a Proclaimed

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Absconder and the offence under Section 174A of IPC was added to the FIR.

2. The prosecution's case, as set out in the complaint is that the Petitioner, along with other directors of Tamanna Realtors Private Limited deceived the Complainant (Respondent No. 2) under the guise of selling a floor in a building which they purportedly intended to construct. The Complainant stated that she knew the Petitioner from earlier projects. In August 2011, the Petitioner approached her, with a proposal to invest in a four-storey commercial building stated to be under development in Safdarjung, New Delhi. Relying on these representations, the Complainant invested a sum of ₹1.50 Crores for the purchase of one floor in the said project.

3. The Petitioner initially maintained regular contact and shared updates regarding the construction. However, by February 2012, the Petitioner allegedly began avoiding calls and became unresponsive. Concerned, the Complainant deputed an associate to visit the address of Tamanna Realtors Private Limited, as advertised in the promotional material. To her surprise, no office or representative of the company was found at the stated location.

4. Upon being confronted, the Petitioner purportedly claimed that the company had shifted its office premises, but failed to disclose any alternate address. The Complainant further asserts that no such relocation was reflected on the company's official website. On conducting a verification of the company's particulars through the Ministry of Corporate Affairs portal, the Complainant discovered discrepancies, including the alleged misrepresentation of the Petitioner's identity. Growing suspicious, the Complainant sought details from the Municipal Corporation of Delhi



regarding the claimed construction project, only to find that no record of such a property existed. It was in these circumstances that the Complainant lodged a statement with the police, alleging that she had been cheated of ₹1.50 Crores. The impugned FIR was thereafter registered on 3rd November, 2015, under Sections 420 and 34 of the IPC, 1860.

5. Through the present petition, the Petitioner and Respondent No. 2 submit that they have amicably resolved their disputes with the intervention of mutual friends and colleagues. In furtherance of this settlement, a Compromise Deed dated 22nd February, 2025, was duly executed between the parties. A copy of the said Compromise Deed has been placed on record and has been perused by the Court.

6. Respondent No. 2 has confirmed that all disputes and differences with the Petitioner stand amicably resolved, and she has no objection to the quashing of the subject FIR and the proceedings arising therefrom. As part of the settlement, the Petitioner has agreed to pay a total sum of ₹1.50 Crores to Respondent No. 2 towards full and final settlement of her claims. The settlement amount has been structured in three tranches: the first instalment of ₹30 Lakhs was agreed to be paid at the time of execution of the Compromise Deed; the second instalment of ₹1 Crore was to be paid on the date of recording of statements before the Court; and the balance amount of ₹20 Lakhs is to be released at the stage of quashing of the FIR by this Court.

7. Respondent No. 2, recorded her statement before the Joint Registrar of this Court on 26th May, 2025, confirming that she has amicably resolved all disputes with the Petitioner without any pressure, inducement, or coercion. She has affirmed that the Compromise Deed dated 22nd February,



2025, was voluntarily executed by her and that the settlement pertains exclusively to the disputes between her and the Petitioner. She has acknowledged receipt of ₹30,00,000 from the Petitioner in the past and further confirmed receipt of three cheques, two for ₹50,00,000 and one for ₹20,00,000. She stated that upon realisation of the said cheques, the entire amount contemplated under the Compromise Deed would stand received. She has unequivocally stated that she does not wish to pursue the FIR and has no objection to its quashing.

8. Respondent No. 2 has appeared before this Court through video conferencing and has been duly identified by her counsel and the Investigating Officer⁴. She affirms, without reservation, that she has voluntarily resolved the dispute with the Petitioner and does not wish to pursue the criminal proceedings any further. She states that the settlement has been arrived at of her own volition, without any pressure, threat, or coercion. She also confirms having received the entire settlement amount from the Petitioner in terms of the Compromise Deed dated 22nd February, 2025, and expresses no objection to the quashing of the FIR in question.

9. The Petitioner has also participated in the proceedings *via* video conferencing and has been identified by the IO. She submits that she has been residing outside India since the year 2017 and was unaware of the pendency of any criminal proceedings against her. She states that proceedings under Section 82 Cr.P.C. were initiated in her absence, without her knowledge. She further submits that a Look Out Circular has also been issued against her. In view of the settlement now reached with the complainant, the Petitioner prays for quashing of the subject FIR and all



consequential proceedings.

10. The Court has considered the submissions of the parties. While the offence under Section 174A of IPC is non-compoundable, the offence under Section 420 is compoundable by the person who was cheated. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (earlier Section 482 Cr.P.C.), the Court may, 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 an exercise in futility.”

[Emphasis added]

11. 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

⁴ “IO”

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

12. Although the offence under Section 174A of the IPC (non-appearance in response to proclamation as an offender) cannot be treated as strictly ‘*in personam*’, and it touches 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.

13. The material on record suggests that the Petitioner left the country in 2017 and remained unaware of the criminal proceedings instituted in connection with the subject FIR. Her absence from the investigation or appearance before the authorities occurs to be due to lack of knowledge. However, the Complainant has now unequivocally stated that she does not wish to pursue the case anymore. In this backdrop, the continuation of the proceedings would serve no useful purpose and would merely burden the criminal justice system without advancing any substantive cause. Taking into account the overall circumstances of the case, and guided by the principles laid down by the Supreme Court on the exercise of inherent jurisdiction in such matters, this Court is of the view that intervention under Section 482 of the Cr.P.C. is warranted to prevent the abuse of process and to secure the ends of justice.

14. However, considering that the criminal justice machinery was set in motion on the basis of the impugned FIR registered as far back as in the year 2015, and that the case also involves an offence under Section 174A of the IPC, this Court finds it appropriate to impose costs on the Petitioner. Accordingly, a sum of ₹30,000/- shall be paid by the Petitioner towards the Delhi Police Welfare Fund as a token to compensate for the time and resources expended by the State apparatus.

15. In view of the foregoing, subject to the above, the present petition is



allowed and the FIR No. 1653/2015 under Sections 420 and 34 of the IPC, registered at P.S. Vasant Vihar (South) and all proceedings emanating therefrom, are hereby quashed.

16. The parties shall remain bound by the terms of settlement. The proof deposit of costs be furnished to the concerned SHO within three weeks from today.

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

SANJEEV NARULA, J

MAY 29, 2025/ab