



\$~28

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

+ **W.P.(CRL) 1254/2025 & CRL.M.A. 11835/2025**

ABDUL KALAM

.....Petitioner

Through: Mr. M. Arshyan, Mr. Akbar Kaleem
and Mr. Baqar, Advs. along with the petitioner in
person

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Adv. with SI Akash, PS
Jamia Nagar

Mr. Samar Gulrez, Adv. for R-2 and R-3 along
with respondents no. 2 and 3 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

26.08.2025

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR No. 85/2018 registered at Police Station Jamia Nagar, for offences punishable under Section 420 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that respondent no. 2 and 3 alleged that the petitioner, introducing himself as a builder and owner of property No. A-50, Johri Farm, Noor Nagar Ext., Jamia Nagar, induced them to purchase the second floor of the said property for a total consideration of ₹90,00,000/-, out of which ₹55,00,000/- was paid in cash at the time of execution of an



Advance Receipt-cum-Agreement to Sell on 16.02.2014. While the balance was agreed to be paid in stages, the petitioner avoided receiving subsequent instalments on various pretexts, never offered possession, and later issued two cheques of ₹24,80,000/- which were dishonoured for insufficiency of funds. Respondent no. 2 and 3 further discovered that the petitioner, despite assurances, had executed documents in favour of a co-accused to defeat the agreement, and when confronted, the petitioner along with the co-accused threatened them, leading to the complaint under Sections 406/420/120-B of the IPC. That *vide* order dated 07.03.2018 the learned Metropolitan Magistrate, Saket Court, had passed the order of registration of FIR against the petitioner and FIR No. 85/2018 under Section 420 of the IPC was accordingly registered against the petitioner on 09.03.2018.

3. However, at this stage, with the intervention of family members and friends, the parties have entered into a settlement vide settlement deed dated 17.03.2025. Settlement deed dated 17.03.2025 is on record and has been annexed as Annexure P-2. *Qua* this deed, the respondents no. 2 and 3 have agreed to withdraw the case arising out of FIR No. 85/2018 registered at Police Station Jamia Nagar against the petitioner.

4. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise.

5. Learned ASC for the State, who appears on advance notice, accepts notice and submits that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

6. Heard learned counsel for the parties and perused the record.



7. The petitioner is present before this Court and has been identified by his counsel Mr. M. Arshyan and Investigating Officer SI Akash, Police Station Jamia Nagar. Respondents no. 2 and 3 are also present in the Court and have been identified by their counsel Mr. Samar Gulrez and the Investigating Officer.

8. On a query made by this Court, respondents no. 2 and 3 has categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by them that the entire dispute has been amicably settled between the parties.

9. Keeping in view the fact that the matter stands amicably been settled between the petitioner and respondents no. 2 and 3 amicably without any pressure, no fruitful purpose would be served by keeping the matter pending.

10. Hence, in light of the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*** (2012) 10 SCC 303, FIR bearing No. 85/2018 registered at Police Station Jamia Nagar, for offences punishable under Section 420 of the IPC, and consequent proceedings emanating therefrom, are quashed.

11. The petition alongwith pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

AUGUST 26, 2025
gs/yr