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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1264/2025**

TATA CAPITAL HOUSING FINANCE LTD.Petitioner

Through: **Mr.Bipul Kumar, Advocate**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: **Mr.Yasir Rauf Ansari, ASC for the
State alongwith SI Satish Kumar,
P.S.- Lajpat Nagar along with
complainant**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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27.08.2025

CRL.M.As. 11952-54/2025 (Exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(CRL) 1264/2025

1. Petitioner herein seeks quashing of an FIR No.363/2023 dated 19.05.2023 for the alleged offences under Sections 120B, 420, 468, 471 of IPC, registered at P.S. Lajpat Nagar, along with all consequential proceedings arising therefrom, on the basis of the compromise between the parties.

2. Per the FIR, Respondent No.2 had taken a housing loan in December 2013 from the Petitioner, Tata Capital Housing Finance Ltd. (TCHFL), Lajpat Nagar Branch, for purchase of a flat. The loan was sanctioned under a subvention scheme, wherein no EMI was payable by the Complainant

W.P.(CRL) 1264/2025

Page 1 of 4



until physical possession of the flat. A tripartite agreement was executed between the Complainant, the Builder, and TCHFL.

2.1 As per the loan agreement, disbursal was to be linked with construction progress and made only after technical verification and the complainant's written consent through *Schedule G/Consent Forms*. Contrary to this, TCHFL disbursed the entire sanctioned amount of ₹34,05,833 to the Builder without obtaining consent of the complainant or the co-borrower's signature, and without mandatory verification. Hence the FIR.

3. Learned counsel for the petitioner submit that the parties have now amicably settled the matter *vide* Settlement Letter dated 20.02.2024.

4. Learned counsel for the petitioner further submits that, in view of the compromise between the parties and as Respondent no. 2 is not inclined to press charges, the FIR in question along with all consequential proceedings arising therefrom may be quashed.

5. In the aforesaid backdrop, I have heard learned counsels for the parties and have perused the case file.

6. In response to a Court query, both the counsel for Respondent No. 2 and the learned APP for the State concur with the factum of the compromise between the parties and convey their no objection to the quashing of the FIR.

7. The Complainant/Respondent No.2 is present in Court. I have interacted with her. On a Court query, the complainant states that the dispute, which arose from contractual terms, was unnecessarily given a criminal colour due to her lack of understanding of criminal law. As far as the civil dispute is concerned, it has been amicably settled and nothing is



payable to her after the amount payable by the petitioner has been duly paid pursuant to the terms and conditions of the settlement.

8. She further submits that the settlement has been arrived at voluntarily, without any duress or coercion. In the premise, she further affirms that she does not wish to press any charges against the petitioners.

9. Having heard and considering the nature of the dispute, it appears to be private and personal, arising from a financial transaction, and lacking any public or societal interest. The dispute, civil in nature, seems to have arisen from misunderstandings between the parties, has now been amicably resolved.

10. In view of the settlement agreement executed between the parties, no useful purpose would be served by continuing with the prosecution, and the continuance of proceedings would be nothing but an exercise in futility.

11. Thus continuation of criminal proceedings would serve no useful purpose. It would constitute an abuse of the process of law, and place an unnecessary burden on the judicial system. In contrast, quashing the FIR in question would rather promote peace and harmony between the parties, particularly as the complainant does not wish to pursue the case further.

12. Accordingly, invoking inherent powers vested with this Court under Section 528 of the BNSS, it is deemed expedient to quash the FIR in question. Reference in this context may also be had to judgment rendered in the case of **Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]**.

13. The instant petition is thus allowed. The criminal proceedings arising out of FIR No.363/2023 dated 19.05.2023 for the alleged offences under Sections 120B, 420, 468, 471 of IPC, registered at P.S. Lajpat Nagar, and further proceedings arising therefrom, are hereby quashed.



14. The Investigation Officer who is present in Court is directed to return all the documents which were seized by him in the course of investigation to the respective holders of the same, upon the parties approaching him.

15. The petition, along with pending application(s), if any, stands disposed of.

ARUN MONGA, J

AUGUST 27, 2025/dy