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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3094/2025 & CRL.M.As. 13684-13685/2025**
MANOJ KUMARPetitioner

Through: Mr. Shubham Agarwal, Advocate
with Petitioner (in-Person).

versus

STATE GOVT OF NCT OF DELHI & ORS.Respondents
Through: Mr. Mukesh Kumar, APP with Mr.
Shamir Mehra, Advocate for State.
Inspector Govind, P.S. Cyber Outer
North and SI Bharat Singh, P.S.
Uttam Nagar.
Mr. Manish Tanwar and Mr. Abhinav
Sharma, Advocates for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
27.05.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 396/2008 dated 8th November, 2008, registered under Sections 420, 468 and 471 of the Indian Penal Code, 1860³, at P.S. Uttam Nagar, and all proceedings emanating therefrom.
2. Briefly stated, the case as alleged in the complaint filed by ASI Ram Chander is as follows: On 10th October 2008, a PCR call was received by him at P.S. Uttam Nagar, Delhi, *vide* DD No. 22A, regarding a disputed plot of approximately 200 square yards. During the investigation, it was noted

¹ "BNSS"

² "CrPC"



that Braham Parkash Tiwari (Respondent No. 3) and Bhim Singh Rawat (Respondent No. 5) were each claiming 100 square yards of the disputed plot, whereas Manoj Kumar (the Petitioner) was claiming ownership of the entire 200 square yards. Documents regarding ownership were obtained from both sides, and it was discovered that the landlord named in both sets of documents was the same, indicating that one party had forged their documents. Based on the above, the present FIR was registered under Sections 420, 468, and 471 of the IPC.

3. Mr. Mukesh Kumar, APP for State, submits that the alleged forgery pertains to a stamp paper issued by the Nashik Press. However, counsel for the parties clarify that this allegation of forgery primarily pertains to a co-accused, namely Atalji Chauhan, who has since deceased, and the proceedings against him stand abated. Further, it is pointed out that the present petitioner had purchased the property from Atalji Chauhan, relying on his representation as the true and lawful owner thereof

4. In the present case, the charge sheet and supplementary charge sheet stands filed against the Petitioner. However, Counsel for Petitioner submits that during the pendency of the proceedings before the Trial Court, the Petitioner has amicably resolved the dispute with Respondent Nos. 2 to 5 and have settled the matter based on their own free will, without any coercion, pressure or undue influence and a Memorandum of Understanding/Settlement Deed dated 14th September, 2023 has been executed between the Petitioners and Respondent Nos. 2 and 5. A copy of this settlement has been duly placed on the record. As per the terms of the settlement, the Respondents have agreed to withdraw all proceedings

³ “IPC”



pending before various Courts. Furthermore, the Petitioner has voluntarily acknowledged and admitted that the Respondents are the true and lawful owners of the property and are in actual physical possession thereof.

5. On 5th May, 2025, a joint statement of Respondent Nos. 2 to 5 was recorded before the Joint Registrar wherein they verified that the matter has been amicably resolved between the parties and gave their no objection to the quashing of the impugned FIR, as well as all the proceedings emanating therefrom.

6. In light of the foregoing, counsel for the parties jointly prayed for the quashing of the impugned FIR. Respondent Nos. 2 to 5, who are present before the Court, and identified by the Investigating Officer, confirm the settlement reached between the parties and do not object to the quashing of the impugned FIR. To this affect, Affidavits/No Objection Certificate(s) of Respondent Nos. 2 to 5 are also on record.

7. The Court has considered the submissions of the parties. While the offences under Sections 468 and 471 of IPC are non-compoundable, Section 420 of IPC is compoundable, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (earlier Section 482 of CrPC), 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.*⁴ 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

⁴ (2012) 10 SCC 303



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]

8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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

(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

⁵ (2014) 6 SCC 466



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 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. The Respondents have categorically expressed her 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 528 of BNSS to secure the ends of justice.

10. However, since the State machinery was set in motion based on the impugned FIR, which was lodged way back in 2008, it is appropriate to impose costs on the parties. Accordingly, the parties are directed to jointly



deposit INR 1,00,000/- with the Delhi Police Welfare Fund.

11. In view of the foregoing, the present petition is allowed and FIR No. 396/2008 dated 8th November, 2008, registered under Sections 420, 468 and 471 of IPC at P.S. Uttam Nagar, and all proceedings emanating therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 27, 2025

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