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

+ **W.P.(CRL) 2063/2023 & CRL.M.A. 13337/2024**

GAURAV GUPTA & ANR

.....Petitioners

Through: Mr. Sagar H. and Mr. Rishab Singh,
Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the
State along with Mr. Alok Sharma,
Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.12.2025

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1. This petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973,¹ seeks quashing of the FIR No. 134/2022,² registered under Section 420/468/471/34 of the Indian Penal Code, 1860,³ at P.S. Cyber Police Station, Shahdara and all consequential proceedings emanating therefrom.

2. The impugned FIR was lodged by Ayush Rana (Respondent No. 2/Complainant), alleging that he was induced by an online immigration advertisement to pay INR 3,00,000/- to Gaurav Gupta (Petitioner No. 1) on the false promise of employment in Malta. Of this, INR 70,403 was

¹ "CrPC"

² "impugned FIR"

³ "IPC"



transferred through PhonePe to an ICICI account in his name, and the remaining amount was claimed to have been handed over in cash. The Complainant alleged that forged employment documents and fabricated flight tickets were provided to him. Investigation verified the digital transfers, confirmed the flight tickets to be fake, and established that *The Golden Gate Immigration Pvt. Ltd.*, through which the alleged transactions were routed, was registered in the names of Petitioner No. 1 and his wife, Petitioner No. 2. No evidence was recovered regarding the alleged cash payment. The laptop and mobile device used for preparing the forged documents were seized, and Sections 468/471/34 IPC were added. The state confirms that no other case is pending against the Petitioner.

3. This petition is founded on the settlement recorded on 18th January, 2023 in *BAIL APPLN. 3100/2022*, wherein Respondent No. 2 confirmed that the parties had amicably resolved the dispute and that he had received the full and final settlement amount of INR 1,00,000/- from the Petitioners. However, on 18th November, 2025, when the matter came before this Court for quashing, Respondent No. 2 stated that, owing to additional legal expenses, he would consent to quashing if the Petitioners paid an additional INR 75,000 as compensation.

4. Respondent No. 2, appearing in person today and duly identified by the Investigating Officer, confirms the receipt of the additional amount of INR 75,000/- from the Petitioners and consequently, states that he has no objection to the quashing of the impugned FIR.

5. The Court has considered the afore-noted facts. Notably, the offences under Sections 468/471 of IPC are non-compoundable, while the offence under Section 420 of IPC is compoundable in certain cases.



6. It is well-established that the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁴ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read 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

⁴ (2014) 6 SCC 466



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]

7. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁵ the 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

⁵ (2017) 9 SCC 641



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]



8. Although the offences under Sections 468/471 IPC are non-compoundable and not purely *in personam*, the Court must assess the realistic prospects of conviction. Given the voluntary settlement, the complainant's clear unwillingness to pursue the allegations the likelihood of conviction is remote. Moreover, the alleged forgery pertains to documents of a personal and commercial nature, and does not relate to any public document. In such circumstances, continuation of the proceedings would serve no useful purpose, warranting the exercise of inherent powers under Section 528 BNSS.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 134/2022 as well as all consequential proceedings arising therefrom are hereby quashed.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today.

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

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

SANJEEV NARULA, J

DECEMBER 1, 2025/MK