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

+ **W.P.(CRL) 2237/2023**

NIKHIL MEHTA

.....Petitioner

Through: Mr. Brijesh Sharma & Mr. Harendra
Sharma, Advocates with Petitioner in
person

versus

STATE & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC for the State
with SI Vinod Bhati, PS Mehrauli
Respondents No. 2 and 3 in person
(through VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.08.2025

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1. The present petition 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. 0019/2017 registered at P.S. Mehrauli under Sections 420, 506, 120B of the Indian Penal Code, 1860³, and all proceedings emanating therefrom. During the course of investigation, the offences under Sections 467, 468 and 471 of the IPC were added to the case.

2. Briefly, the case of the Prosecution against the Petitioner arises from a

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



joint complaint filed by Respondent Nos. 2 and 3, alleging that they had approached one Sushil Kumar Mehta (now deceased), the father of the Petitioner, who represented that he was in urgent need of funds and intended to sell his property situated in Chhatarpur, and also showed them legal documents pertaining to the property. Relying upon his representations, Respondent Nos. 2 and 3 agreed to purchase the property for a total consideration of ₹1.32 Crores, out of which ₹7,00,000/- was paid upfront, followed by an additional ₹25,00,000/- jointly paid to the deceased and the Petitioner, whereupon an agreement to sell was executed. Subsequently, the Respondents discovered that the deceased was not the actual owner of the property, and had forged and fabricated property-related documents. Upon being confronted, both the deceased and the Petitioner allegedly refused to refund the money and further issued threats. Based on this complaint, the subject FIR came to be registered.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent Nos. 2 and 3 have amicably resolved the dispute with the Petitioner and have decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 08th June, 2018, has also executed between the Petitioner and Respondent Nos. 2 and 3.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent No. 2 and 3 have mutually resolved all disputes and differences with the Petitioner and have agreed to voluntarily give their no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 35,00,000/- to



Respondent Nos. 2 and 3 as final settlement amount.

5. During the course of the present proceedings, Respondent No. 2 appeared through video conferencing and confirmed that he has amicably settled the matter with the Petitioner, having received the entire payment as recorded in the MoU. Respondent No. 3 also joined the proceedings via WhatsApp call (Mobile No. XXXX577) facilitated through the phone of the Investigating Officer, SI Vinod Bhati. He too confirmed that the matter has been settled with the Petitioner and he has received the agreed payment under the MoU, and has no objection to the quashing of the subject FIR. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 467, 468, 471 of IPC are non-compoundable, Sections 420 and 506 of IPC are compoundable in certain cases, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 BNSS), 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.

⁴ “MoU”

⁵ (2012) 10 SCC 303



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 Supplied]

7. 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 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

⁶ (2014) 6 SCC 466



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]

8. Although the offences under Sections 467/468/471 of the IPC cannot be treated as strictly ‘*in personam*’, and touch 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 Complainants in the present case have categorically expressed their unwillingness to pursue the matter further and have 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 482 of the Cr.P.C. to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and FIR No. 0019/2017, P.S. Mehrauli and all proceedings emanating therefrom are hereby quashed.



10. The parties shall remain bound by the terms of settlement.
11. Accordingly, the petition is disposed of.

SANJEEV NARULA, J

AUGUST 14, 2025/ab