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

+ **TR.P.(CRL.) 94/2023 with CRL.M.A. 21077/2023 and CRL.M.A. 21709/2023**

VIJENDRA DIWACH

.....Petitioner

Through: Petitioner through video
conferencing.

versus

STATE AND ORS.

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
State.

Mr. Mohit Mathur, Sr. Advocate and
Mr. Sandeep Sharma, Sr. Advocate
with Mr. Siddharth Tripathy, Mr.
Vignesh, Mr. Kuldeep Choudhary and
Mr. Sumit Singh, Advocates for R-2
and 3.

45.

+ **W.P.(CRL) 2361/2023 and CRL.M.A. 22172/2023**

MANISH BIDHURI & ANR.

.....Petitioners

Through: Mr. Mohit Mathur, Sr. Advocate and
Mr. Sandeep Sharma, Sr. Advocate
with Mr. Siddharth Tripathy, Mr.
Vignesh, Mr. Kuldeep Choudhary and
Mr. Sumit Singh, Advocates.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.03.2025

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1. On a complaint made by Mr. Vijender Diwach, a sub-inspector posted at Counterintelligence, Special Cell, Bharat Nagar, Delhi, an FIR No. 240/2023¹ dated 31st July, 2023 under Sections 147/149/452/341/323/307/379/506 of the Indian Penal Code, 1860² registered at PS New Friends Colony (now transferred to Crime Branch Sunlight Colony, New Delhi) against several persons, including Petitioners in W.P.(CRL) 2361/2023.
2. In connection with the same incident reported in FIR No. 240/2023, one of the accused persons i.e., Mr. Manish Bidhuri [Petitioner No.1 in W.P.(CRL) 2361/2023] also made complaints dated 31st July, 2023 and 1st August, 2023, against Vijender Diwach, through e-mail to the Senior Officers of the Police.
3. Two of the accused persons in subject FIR i.e., Mr. Manish Bidhuri and Kuldeep Choudhary, have filed above captioned petition i.e. W.P.(CRL) 2361/2023 seeking *inter-alia* directions for impartial investigation into the subject FIR.
4. On the other hand, Mr. Vijender Diwach, has filed TR.P.(CRL.) 94/2023, before this Court, seeking transfer of the proceedings in relation to the subject FIR.
5. During the pendency of the present proceedings, on 18th August, 2023, all the accused persons, in the subject FIR appeared before this Court, and tendered unconditional apology. Both the parties also agreed to settle/ compromise their issues and resolve their misunderstanding.
6. It is noted that Mr. Manish Bidhuri and Mr. Kuldeep Choudhary, who

¹ Subject FIR

² "IPC"



are amongst the accused are practicing Advocates and Mr. Vijender Diwach in the Sub Inspector in Delhi Police.

7. With the efforts of the Senior Advocates of the Bar and Senior Officers of the Delhi Police, parties have resolved the misunderstanding between them and entered into an oral settlement on 19th February, 2024. The terms of the said settlement³ have been reduced in writing on 24th March, 2025, copy whereof has been handed over across the Board and is taken on record. At this juncture, both the parties clarify that erroneously, in the opening recital, the Memorandum of Settlement/ Compromise date has been inadvertently mentioned as 19th February, 2024. The same error is also being noticed in the recital at page No. 4.

8. Accordingly, with the consent of counsel, the date mentioned in the recital shall be read as 24th March, 2025.

9. As per the said settlement, both the parties have agreed to withdraw their respective cases. They have further agreed that they shall not initiate any complaint against each other.

10. Mr. Vijender Diwach, who has joined the proceedings through video conferencing, unequivocally states that he has no objection to the quashing of the FIR, in light of the fact that the accused persons have expressed remorse for their action for the alleged delay and they have now tendered unconditional apology to him, which he has accepted and both parties have accordingly resolved the disputes.

11. Notably, offence under Section 147/452/307 of IPC is non-compoundable. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of Cr.P.C.), can

³ “Settlement”



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 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.

⁴ (2014) 6 SCC 466



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]

12. 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 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.

⁵ (2017) 9 SCC 641



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]

13. Considering the nature of dispute and the fact that the parties have amicably entered into a settlement, this Court is of the opinion that the



present case is fit to exercise jurisdiction under Section 582 of BNSS as no purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

14. In light of the aforesaid, the present petitions are disposed of with the following directions:

(a) FIR No. 240/2023 dated 31st July, 2023 under Sections 147/149/452/341/323/307/379/506 IPC, PS New Friends Colony and all the proceedings emanating therefrom are hereby quashed.

(b) Since the proceedings emanating from FIR No. 240/2023 itself are quashed, no further directions are necessary in the W.P.(CRL) 2361/2023 and TR.P.(CRL.) 94/2023.

15. Disposed of along with pending applications.

SANJEEV NARULA, J

MARCH 24, 2025/PB