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

+ **W.P.(CRL) 1657/2025 & CRL.M.A. 15503/2025**

HARISH CHANDER KAUSHIK

.....Petitioner

Through: Mr. Deepak Issar, Advocate.

versus

THE STATE NCT OF DLEHI & ANR.

.....Respondents

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

SI RP Meena, PS: Palam Village.

Mr. Deepak Rohilla, Advocate for R-
2.

+ **W.P.(CRL) 1377/2025 & CRL.M.A. 12887-12888/2025**

DEVENDRA KUMAR

.....Petitioner

Through: Mr. Deepak Rohilla, Advocate.

versus

THE STATE, NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State.

SI RP Meena, PS: Palam Village.

Mr. Deepak Issar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.07.2025

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha

¹ "CrPC"



Sanhita, 2023²), seeking quashing of two cross complaints under Section 200 of the Cr.P.C. which arise out of the same set of facts, therefore they are being disposed of by way of a common order. The details of the cross complaints impugned in the captioned petitions are as follows:

- (i) In W.P.(CRL) 1657/2025 - criminal case no. 382/2022 under Sections 420, 468 and 471 of the Indian Penal Code, 1860³, filed on a complaint by Davinder Kaushik against Harish Chander Kaushik, and
- (ii) In W.P.(CRL) 1377/2025 - complaint case no. 1627/2021 under Section 406, 465, 468 and 471 of IPC, filed on a complaint by Harish Chander Kaushik against Davinder Kaushik.

2. Both the Petitioners – Mr. Harish Chander Kaushik and Mr. Davinder Kaushik are brothers. The dispute giving rise to the present petitions arose out of the right of the shared ancestral property of their parents. The Petitioners are 2 of 6 siblings – 3 sisters and 3 brothers. After the demise of their father, the sisters executed a relinquishment deed dated 6th July, 2000 in favour of the brothers. The elder brother of the Petitioners passed away in 1997 and so his share devolved to his wife and children as per law. In order to avoid any disputes later on, the Petitioners and the wife of the third brother entered into a family agreement dated 30th April, 2003, whereupon the three story building were divided between them. However, the terms of this agreement are disputed. While Mr. Davinder Kaushik claims that as per the settlement, he became the absolute owner of the second floor and had rights to the roof as well as one room/shop at the ground floor of the property, Mr. Harish Chander Kaushik claims that it was agreed that each

² “BNSS”

³ “IPC”



floor of the building would be divided equally and each party will enjoy their respective portion without any rights to the roof.

3. Believing himself to be the owner of the claimed share of the property – i.e., entire second floor (with roof rights) as well as one room/shop at the ground floor of the property, Mr. Davinder Kaushik sold his share of the property to a third party named Kiran Devi, by way of a registered sale deed dated 23rd October, 2021. However, this gave rise to the present cross complaints with both the Petitioners claiming that the other has forged the family agreement dated 30th April, 2003 with *malafide* intent to exclude the share of the other. In this regard, Mr. Harish Chander Kaushik also filed a suit for declaration and injunction against Mr. Davinder Kaushik, which is currently pending adjudication.

4. In both of the above complaints, cognizance has been taken by the Judicial Magistrate and summons have been issued to both accused Petitioners in the respective cross cases. The said proceedings are pending consideration.

5. The Petitioners were referred to mediation before the Mediation Centre, Dwarka Courts, Delhi, wherein they voluntarily, peacefully and amicably settled their disputes. In this regard, they have also executed a Memorandum of Understanding/Settlement⁴ dated 029th October, 2024.

6. As per the MoU, both the Petitioners (cross complainants) have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross complaints. A copy of the MoU has been placed on record and is perused by the Court. In view of this settlement, the Complainants present in Court have expressed their unequivocal intent not to pursue the



complaint proceedings against one another. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily.

7. The Court has considered the submissions of the parties. At the outset, it is noted that the Supreme Court in ***Gian Singh v. State of Punjab & Anr.***⁵ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.

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.”

8. 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

⁴ “MoU”

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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.”

[Emphasis Supplied]

9. Applying the principles laid down in the above decisions, this Court notes that while the offences under Sections 420, 468, 471 and 465 of IPC are non-compoundable, the inherent power under Section 482 Cr.P.C. allows this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

10. While it is true that offences under Sections 420, 468, 471 and 465 of IPC are not offences in *personam*, meaning they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainants have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 528 of BNSS.



11. However, since the State machinery was set in motion based on the impugned cross complaints, it is appropriate to impose costs on the Petitioners. Accordingly, both the Petitioners are directed to deposit INR 2,500/- each with the Delhi Police Welfare Fund.
12. In view of the foregoing, the present petitions are allowed and criminal case no. 382/2022 under Sections 420, 468 and 471 of IPC and complaint case no. 1627/2021 under Sections 406, 465, 468 and 471 of IPC are hereby quashed. Accordingly, all proceedings emanating from the above two complaints are also quashed.
13. It is expected that the parties shall abide by the terms of settlement.
14. Accordingly, the petitions are disposed of.
15. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

JULY 9, 2025
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