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

+ **CRL.M.C. 3578/2025 & CRL.M.A. 15742/2025**

RAJENDER VERMA AND ORSPetitioners
Through: Mr. Mohit Chaurasia and
Ms. Chelamya Puri, Advs.

versus

STATE OF NCT OF DELHI AND ANRRespondents
Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Vikas Kumar, PS Krishna
Nagar, Delhi.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **28.05.2025**

1. The present petition is filed seeking quashing of FIR No. 140/2010 dated 30.05.2010, registered at Police Station Krishan Nagar, for offences under Section 448/380/34 of the Indian Penal Code, 1860 ('**IPC**'), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint given by Respondent No.2. Chargesheet has been filed in the present case.
2. The brief facts are that Respondent No. 2 had purchased the ground floor of property bearing No. F-9/18, Krishna Nagar, Delhi-110051 *vide* registered sale deed dated 04.01.2007, pursuant to which Respondent No. 2 had kept her belongings in the said property.
3. Respondent No. 2 used to visit the said property on a



regular basis. On 07.01.2007, Petitioner No. 4 asked Respondent No. 2 to loan her an amount of ₹12,00,000/- by mortgaging the first floor of the said property. Thereafter, a mortgage deed was executed between the parties on the same date and Respondent No. 2 advanced the aforesaid loan amount to the petitioners.

4. It is alleged that it came to the knowledge of Respondent No.2 that the petitioners with an ulterior motive had mentioned the ground floor of the property as the mortgaged property instead of the first floor of the property in the mortgage deed, and they had also prepared a mortgage agreement mentioning the ground floor instead.

5. It is alleged that on 17.05.2010, Respondent No.2 lodged a complaint against the petitioners in the morning apprehending that the petitioners will take possession of the ground floor of the property. On the same day, when the husband of Respondent No.2 reached the property, he was restrained from entering the same by the petitioners. The husband of Respondent No.2 also found that the petitioners had changed the lock of the ground floor of the property and removed all the belongings of Respondent No. 2 from the property as well. This led to registration of the present FIR.

6. The present petition is filed on the ground that the matter is amicably settled between the parties before the Delhi Mediation Centre, Karkardooma Courts, Delhi on 06.03.2025, out of their own free will, without any force, pressure, undue influence, misrepresentation or mistake.

7. On 20.05.2025, Respondent No. 2 appeared before the learned Joint Registrar (Judicial) and stated that the dispute has



been amicably settled as per the settlement deed dated 06.03.2025.

8. The statement of the petitioners was also recorded where they asserted that the dispute had been amicably settled and they had entered into the settlement without any force, coercion, undue influence and pressure.

9. The complainant is present in person and has been duly identified by the Investigating Officer.

10. On being asked, Respondent No. 2 states that she has settled the disputes. She submits that the proceedings have been pending for last many years and with the advice of well-wishers and friends, she has decided to put to rest the disputes between the parties on receiving a sum of ₹8,00,000/- which is lying deposited before the learned Trial Court in Ex. No. 670/19.

11. She submits that a cancellation deed will be executed by her and the sum of ₹8,00,000/- that is lying deposited with the learned Trial Court will be released in her favour.

12. She submits that since the disputes have been settled, she does not wish to pursue any proceedings arising out of the present FIR and has no objection if the same are quashed.

13. In view of the statements of the parties tendered before the learned Joint Registrar (Judicial), they are bound to comply with the remaining terms of the settlement agreement, wherein Respondent No.2 shall cooperate in getting the sale deed dated 04.01.2007 cancelled. The petitioners shall also cooperate in release of the remaining settlement amount in favour of Respondent No.2. The learned Trial Court is directed to release the amount in favour of Respondent No.2 as and when an



application in this regard is made by the parties.

14. Offence under Section 448 of the IPC is compoundable in nature whereas Section 380 of the IPC is non-compoundable.

15. It is well settled that the High Court while exercising its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (erstwhile Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Apex Court has observed 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.

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)

16. Similarly, in ***Parbatbhai Aahir & Ors v. State of Gujarat & Anr.*** : (2017) 9 SCC 641, the Hon'ble Apex Court has 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.

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)

17. In the present case, Respondent No.2 has stated that she has no remaining grievance and she does not wish to pursue the proceedings arising out of the present FIR. In the peculiar circumstances of this case, it is unlikely that the present FIR will result in a conviction when Respondent No. 2 does not wish to pursue the case. In such circumstances, this Court is of the opinion that the pendency of the proceedings would be an abuse of the process of the Court and only cause harassment and heartburn.

18. Keeping in view the nature of dispute and that the parties



have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

19. However, keeping in mind the fact that the present FIR was registered long back in the year 2010 and that the chargesheet has been filed in the present case and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

20. In view of the above, FIR No. 140/2010 and all consequential proceedings arising therefrom are quashed, subject to payment of total cost of ₹30,000/- by the petitioners, out of which ₹15,000/- is to be deposited with the Delhi Police Welfare Society and ₹15,000/- is to be deposited with the Delhi High Court Legal Services Committee.

21. Let the proof of deposit of cost be submitted with the concerned IO/SHO.

22. The present petition is allowed in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

MAY 28, 2025

'KDK'