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

+ CRL.M.C. 3962/2025 & CRL.M.A. 17277/2025, CRL.M.A.
17278/2025

RAJEEV KUMAR SINGH & ANR.

.....Petitioners

Through: Mr. Jatin Kumar and Ms. Ishleen
Kaur Ahuja, Advocates.
P-1 in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for State.
SI Mahesh Chand, PS: Badarpur.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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29.07.2025

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. 47/2008 registered at P.S. Badar Pur for the offences under Sections 420/467/468/471/448/380/506/34 of the Indian Penal Code, 1860³, and all proceedings emanating therefrom.
2. Briefly, the case of the Prosecution against the Petitioners emanates from a complaint filed by Respondent No. 2, the sole owner of property bearing No. J-419, Aparna Vihar, Jatipur Extension Part-1 Badarpur. The

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Complainant alleged that, in 2003, Petitioner No. 1, an acquaintance, approached him stating that his father (Petitioner No. 2, now deceased) was unwell and that he had no suitable place to accommodate him. Given their longstanding relationship, the Complainant allowed Petitioner No. 1 to use the aforesaid property, which consisted of four rooms, two of which were vacant, while the remaining two contained personal belongings of the Complainant, and were locked. No rent or charges were taken for the arrangement. Relying on Petitioner No. 1, the Complainant did not visit the property for approximately two years. However, in 2007, police officials informed the Complainant that he was required in a complaint case lodged by Petitioner No. 1. This prompted the Complainant to visit the property, where he discovered that the previously locked rooms had been opened and the stored items had been stolen. Upon confrontation, Petitioner No. 1 allegedly claimed to possess documents relating to ownership of the said property, as well as another property belonging to the Complainant. The Complainant thus, alleged that Petitioner No. 1 had committed cheating and forgery by fabricating documents concerning his property. Consequently, based on his statement, the subject FIR was registered on 12th January, 2008. Petitioner No. 2 has since deceased, and the proceedings *qua* him were abated by the Trial Court *vide* order dated 11th July, 2023.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner No. 1 and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Settlement Agreement dated 13th May, 2025, has been executed between the parties.



4. A copy of the Settlement Agreement has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner No. 1 and has agreed to voluntarily give his no objection to the quashing of the subject FIR.

5. In view of the settlement, the Complainant, who has appeared before the Court and is identified by the Investigating Officer, has unequivocally stated that he does not wish to pursue the FIR proceedings. He has confirmed that his decision to settle the matter is voluntary and made without any undue influence or coercion. He has submitted that he has neither received nor does he intend to claim any monetary compensation from the Petitioners. Petitioner No. 1 has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, Petitioner No. 1 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 and 380 of the IPC are non-compoundable, Sections 420, 448 and 506 of the IPC are compoundable in certain cases. 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.**⁴ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353

⁴ (2012) 10 SCC 303



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.”

[Emphasis added]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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

⁵ (2014) 6 SCC 466



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]

8. Although the offences under Sections 467, 468, 471 and 380 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 Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has 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. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioners are put to cost.

10. In view of the foregoing, the present petition is allowed FIR No. 47/2008 P.S. Badar Pur, as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of cost of INR 25,000/- by Petitioner No. 1 to the Delhi Police Welfare Fund, within a period of six weeks from today. Proof of payment of cost be submitted with the concerned IO.

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

JULY 29, 2025

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