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

+ **W.P.(CRL) 3075/2023**

RAJ KUMAR GUPTA AND ANR

.....Petitioners

Through: Mr Ravindra Narayan, Advocate with
Petitioners present.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar and Ms. Amisha
Gupta, Advocates for State.
SI Ravi Yadav, P.S. Govindpuri.
Respondent No. 2 (through VC).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.11.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 79/2022 dated 18th January, 2022, registered under Sections 420, 448, 467, 471 and 34 of the Indian Penal Code, 1860³ at P.S. Govind Puri and all consequential proceedings emanating therefrom.
2. The FIR was registered on the complaint received from the Complainant/Respondent No. 2, Ms. Shweta Gupta, owner of property in Tughlakabad Extension, New Delhi, alleging that the accused persons,

¹ "BNSS"

² "CrPC"

³ "IPC"



namely Ms. Sarvesh Gupta (Petitioner No. 2) and her husband Raj Kumar Gupta (Petitioner No. 1), with their family members, had illegally trespassed into and occupied the upper floors of her property, broken open the locks, and stolen several articles. The Complainant stated that she had earlier executed a Sale Deed dated 22nd March, 2021, in favour of Sarvesh Gupta for the ground floor, and a General Power of Attorney and related documents in favour of Raj Kumar Gupta for the basement, pursuant to an Agreement to Sell dated 07th December, 2020, for a total sale consideration of INR 2,10,51,000/–, out of which INR 1,18,01,000/– was received. The remaining amount of INR 92,50,000/– and INR 4,50,000/– (against a dishonoured cheque) remained unpaid. The Complainant further alleged that despite not paying the balance consideration, the accused persons forcibly removed her security guard, broke open the locks of the first, second, third and terrace floors on 05th August, 2021, and took away jewellery, cash, documents, and business goods from the premises. It was also alleged that the accused persons threatened the Complainant and her husband with dire consequences and forged her signatures on a fabricated Agreement to Sell dated 06th July, 2021 to claim ownership of the remaining portion of the property. Based on the said allegations, the present FIR came to be registered.

3. The parties state that they have amicably resolved the matter between themselves, and the Complainant/Respondent No. 2 has decided not to pursue the present FIR against the Petitioners. Pursuant to this settlement, a Settlement dated 6th May, 2022, was executed between the Petitioners and Respondent No. 2 before the Mediation Centre, Saket Courts, New Delhi.

4. A copy of the Settlement has been placed on record and perused by



the Court. As per its terms, the Complainant/Respondent No. 2 has mutually resolved all disputes and differences with the Petitioners and has agreed to voluntarily give her no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioners have agreed to pay a total sum of INR 75,00,000/- as full and final settlement amount.

5. The Complainant/Respondent No. 2, who has appeared *via* Video Conferencing is identified by the Investigating Officer. She unequivocally states that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. She confirms the receipt of the full and final settlement amount of INR 75,00,000/- and the execution of the Sale Deed in favour of the Petitioners. The Petitioners have also joined the proceedings in person and are duly identified by the Investigating Officer. 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 offence under Section 467 and 471 IPC is non-compoundable, the offences under Sections 420 and 448 IPC are compoundable in certain cases.

7. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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 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]

8. 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

9. Although the offences under Sections 467 and 471 IPC cannot be treated as strictly ‘*in personam*’, and they 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.

10. The Complainant/Respondent No. 2 in the present case has categorically expressed her 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.



11. 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 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 79/2022 dated 18th January, 2022, registered under Sections 420, 448, 467, 471 and 34 IPC at P.S. Govind Puri and all consequential proceedings emanating therefrom are hereby quashed.

13. The parties shall remain bound by the terms of settlement.

14. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 6, 2025

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