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

+ **W.P.(CRL) 2138/2025, CRL.M.A. 19957/2025**

MEHAK KUNDRA

.....Petitioner

Through: Mr. Nai Shankar, Ms. Nandita Rao,
Mr. Manoj Makhija, Mr. Gagan
Bindra and Mr. Ashish Kumar,
Advocates with Petitioner in person.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Ashvini Kumar and Mr. Nitish
Dhawan, Advocates with Mr. Vikas
Kumar, SI, PS-Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.07.2025

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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. 384/2024³ dated 30th July, 2024 under Section 420 the Indian Penal Code, 1860⁴, registered at P.S. Krishna Nagar and all proceedings emanating therefrom.

2. Briefly, the case of the prosecution against the Petitioner is that sometime in February, 2023, the Petitioner approached Respondent No. 2 (Complainant), a property dealer, representing himself as the owner of a property he intended to sell. Respondent No 2 agreed to purchase the property for INR 25,00,000/-. As part of this agreement, Respondent No. 2 paid an advance of INR 5,00,000/- to the Petitioner on 23rd February, 2023,

¹ "BNSS"

² "Cr.P.C."

³ "impugned FIR"



with the balance amount to be paid at the time of registration. However, after receiving the advance payment, the Petitioner stopped responding to the Respondent No. 2's communications. Respondent No. 2 subsequently discovered that the Petitioner was not the legitimate owner of the property in question. Based on these circumstances, he lodged FIR No. 384/2024 against the Petitioner under Section 420 of the IPC.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, parties have amicably resolved their disputes and Respondent No. 2 has decided not to pursue the impugned FIR against him. A Memorandum of Understanding⁵ dated 24th June, 2025, has also been executed between the Petitioner and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, the Petitioner has agreed to pay a total sum of INR 4,75,000/- to Respondent No. 2 as full and final settlement amount.

5. Respondent No. 2, who has appeared before the Court and is identified by his counsel, 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 further confirmed the receipt of the full and final settlement amount from the Petitioner, as per the terms of the MoU. 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 aforementioned submissions. It is pertinent

⁴ "IPC"

⁵ "MoU"



to note that the offence under Sections 420 of IPC is compoundable, albeit with the permission of the Court, and only at the instance of the aggrieved parties. However, that does not debar the High Court from resorting to its inherent power under Section 528 of BNSS (formerly, Section 482 of Cr.P.C.) and pass an appropriate order so as to secure the ends of justice.

7. Having regard to the nature of the dispute and the fact that the aggrieved parties have amicably settled the matter, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose. In the circumstances, this is a fit case for exercise of jurisdiction under Section 528 of BNSS, as the continuance of proceedings would amount to an abuse of the process of law and impede the ends of justice.

8. However, considering that the State machinery has been put to motion, ends of justice would be served if the Petitioner is put to cost.

9. Accordingly, the present petition is allowed and FIR No. 384/2024, P.S. Krishna Nagar as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of a total cost of INR 10,000/- by the Petitioner to the Delhi Police Welfare Fund. The proof of payment of cost has to be submitted with the concerned IO.

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

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

SANJEEV NARULA, J

JULY 15, 2025

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