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

+ **W.P.(CRL) 2463/2024**

PAWAN GUPTA & ANR.

.....Petitioners

Through: **Ms. Jyoti Yadav, Advocate**

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Mr. Vasu
Agarwal, Advocates with Respondent
in person (through VC)
SI Shashi Bhushan Kaushik, PS
Sagarpur.**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 13.01.2025

1. The present petition has been filed on behalf of the Petitioners under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No. 0475/2021 dated 09.11.2021, registered at Police Station-Sagarpur, Delhi for offences under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code, 1860 (IPC) on the basis of the Settlement Deed dated 21.12.2021, which is on record of this Court.
2. Petitioner Nos. 1 and 2 are present in Court and are identified by the counsel for the Petitioner, as well as the Investigating Officer (I.O.).
3. Respondent No. 2/Complainant has joined the proceedings through video conferencing and he is stated to be a resident of Allahabad, Uttar



Pradesh. He is identified by the I.O. as well as by the Counsel for the Petitioner.

4. Learned counsel for the Petitioners states that the dispute between the parties was with respect to Shop No. RZ-38, Pankha Road, Raghu Nagar, Sagarpur, South West Delhi-110045.

5. It is stated that Petitioner Nos. 1 and 2 has advanced a loan of Rs. 5 lakhs to Respondent no. 2 and in lieu thereof Respondent no. 2 had executed General Power of Attorney ('GPA') in favour of Petitioner No. 1; and this transaction led to disputes between the parties.

6. It is stated that the parties have now mutually settled their disputes.

7. It is stated Respondent No. 2 has returned the amount of Rs. 5 lakhs to Petitioner Nos. 1 and 2 and the GPA earlier executed by Respondent no. 2 in favour of Petitioner No. 1 has been cancelled.

8. It is stated that further Petitioner No. 1 has executed a GPA in favour of Respondent No. 2 with respect to Shop No. RZ-38, Pankha Road, Raghu Nagar, Sagarpur, South West Delhi-110045; and thus the Petitioner recognize that the ownership of the said shop vests in Respondent no. 2.

9. It is stated that in view of the aforesaid settlement arrived between the parties and considering the fact that parties are neighbours, owning shops opposite each other in the area of Pankha Road, Raghu Nagar, Sagarpur, Delhi parties have decided to amicably resolve the dispute.

10. The Petitioners who are present in Court and Respondent No. 2 who has joined the proceedings through VC confirm the settlement.

11. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the



view that there is no use continuing with proceedings of the present FIR, as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 482 of the Code of Criminal Procedure, 1973.

12. In view of the above, the FIR No. 0475/2021 dated 09.11.2021 registered at Police Station-Sagarpur, Delhi for offences under Sections 420, 467, 468, 471 and 120B of the IPC and proceedings emanating therefrom are hereby quashed.

13. Parties shall abide by the terms of settlement and remain bound by the same.

14. The present petition stands disposed of.

15. Pending application is disposed of as infructuous.

16. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
JANUARY 13, 2025/mt/MG

[Click here to check corrigendum, if any](#)