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

\+ **W.P.(CRL) 2485/2025**

MIRZA BILAL BAG .....Petitioner

Through: Ms. Tanya Agarwal and Mr. Imran Ahmed, Advs. with the petitioner in person.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State with SI Priyank Rana, PS Daryaganj.
Mr. Akshay, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 22.08.2025

1. The present petition is filed seeking quashing of FIR No. 298/2024 dated 22.08.2024, registered at Police Station Darya Ganj for the offence under Sections 305/324(4)/217 of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**') and Section 25 of the Arms Act, 1959.

2. The FIR was registered on a complaint given by one Mr. Mirza Saleem Bag/ complainant. It is alleged that the complainant had given his hotel on lease to the petitioner, who is the son-in-law of the complainant. When the complainant got to know that the petitioner is involved in criminal activities, he asked the petitioner to vacate his hotel but the petitioner kept on

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giving excuses for the same.

3. It is further alleged that the complainant had seen the petitioner roaming around with a pistol several times. Then on 21.08.2024, the complainant settled the accounts of the petitioner for a sum of ₹2,65,000/-, following which the petitioner broke four TVs of the hotel out of anger. Then the complainant took possession of the hotel at around 5 pm and gave keys to the guard of the hotel and went away.

4. Then on 22.08.2024 at around 9 AM, when the guard of the hotel came back after cleaning another hotel, he found all the CCTV cameras broken and the DVR was also missing. 06-07 TVs in all the rooms were also found broken and the bed sheets were torn. When the complainant reached the spot and made enquiries, he got to know that the petitioner had vandalized his hotel and stole the DVR of the CCTV camera and also stole some documents.

5. It is alleged that when the complainant called the Police, the petitioner also called the Police and made a false complaint that the complainant showed pistol to the petitioner. When the Police came to the hotel, the petitioner pointed that the pistol is kept in the air vent of the roof of the reception and then took out the pistol from there and showed it to everyone. The complainant alleged that this was the same pistol that the petitioner was seen carrying with him. Hence, the present FIR.

6. The complainant in stated to have expired.

7. The present petition has been filed on the ground that the parties along with other legal heirs of the complainant have amicably settled the matter by way of Settlement Deed dated

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24.05.2025, on their own free will, without any threat, pressure or undue influence.

8. On 18.08.2025, the LRs of the deceased complainant appeared before the learned Joint Registrar (Judicial) and stated that the dispute between them and the petitioner has been amicably settled as per the settlement deed dated 24.05.2025. The settlement has been arrived at between the parties without any force, coercion, undue influence and pressure. The settlement deed has been signed with their wish and will.

9. The petitioner is present in person in Court and has been duly identified by the Investigating Officer. He states that he is not claiming the possession of the pistol which was recovered by the Police. He states that the pistol belonged to the complainant who has since expired.

10. It is pointed out that no license was obtained by the complainant for taking the possession of the said pistol.

11. Offence under Sections 324(4) of the BNS is compoundable whereas offences under Sections 305/217 of the BNS and Section 25 of the Arms Act, 1959 are non-compoundable.

12. 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 the case

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of ***Narinder Singh & Ors. v. State of Punjab & Anr.*** **: (2014) 6 SCC 466**, the Hon'ble Supreme Court had 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.***

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> ***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)

13. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.* : (2017) 9 SCC 641**, the Hon'ble Supreme Court had 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*

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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*

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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)

14. The offences as alleged are serious in nature. However, in the present matter, the legal heirs of the complainant have stated that they do not wish to pursue the proceedings arising out of the subject FIR. It is stated that no gun shot was fired during the altercation. The status report also mentions that there has been no recovery of any weapon from the petitioner. In the peculiar circumstances of the case, it is unlikely that the present FIR will result in conviction when the LRs of the complainant do not wish to pursue the case. It is also pointed out that the parties are known to each other. In such circumstances, continuation of the proceedings would only cause undue harassment and heartburn.

15. Keeping in view nature of the dispute and the fact 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 considered opinion that it is a fit case where discretionary jurisdiction can be exercised and the proceedings are quashed.

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16. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.

17. In view of the above, FIR No. 298/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹25,000/- by the petitioner, to be deposited with the Delhi Police Martyrs' Fund, within a period of four weeks from date.

18. The State is directed to confiscate the recovered pistol and take further action in accordance with law.

19. Let the proof of deposit of cost be submitted to the concerned SHO.

20. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 22, 2025
'KDK'

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