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

+ **CRL.M.C. 5495/2025**

**M/S TULSIANI CONSTRUCTIONS AND DEVELOPERS PVT
LTD AND ORS**Petitioners

Through: Mr.Anjaneya Mishra and Mr.Sahil
Yadav, Advocates (VC) alongwith
petitioners

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Ms.Priyanka Dalal, APP for the State
alongwith SI Sunil, P.S.-Safdarjung
Enclave
Mr.Chandan Bhatia and Mr.Banke
Bihari, Advocates for R-2 alongwith
R-2 (VC)

**CORAM:
HON'BLE MR. JUSTICE ARUN MONGA**

ORDER

% **12.08.2025**

CRL.M.A. 23527/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5495/2025 & CRL.M.A. 23526/2025 (Stay)

1. Petitioners herein seeks quashing of an FIR No.265/2025 dated 08.07.2025 for the alleged offences under Sections 120B, 406, 420 of IPC, registered at Police Station Safdarjung Enclave, on the basis of a compromise arrived at between the parties.
2. Per FIR, the complainant in 2013 came across an advertisement of



Golf View Apartments at Sushant Golf City, Lucknow, being developed by the petitioners. Relying on the petitioners' assurances of possession within 30 months, he booked a flat for a consideration of Rs.1,21,64,700/-, and paid Rs.40,00,000/- by RTGS in July 2013. An Agreement to Sell, Allotment Letter and related documents were executed in his favour.

2.1 Possession was contractually due by July 2016, however, no construction was undertaken. Despite repeated visits and inquiries, the complainant found the project stalled and received no response from the petitioners.

3. Petitioner no.1 the builder/developer company, petitioner nos.2, 3 and 4 are the directors of the company.

4. Learned counsel for the petitioners submits that the parties have now amicably settled the matter *vide* MOU/ Settlement Agreement dated 31.07.2025.

5. Learned counsel for the petitioners submits that, in view of the compromise between the parties and as respondent no. 2 is not inclined to press charges, the impugned FIR and all consequential proceedings may be quashed. He places reliance on the Supreme Court's decision in ***Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]*** in support of this submission.

6. In the aforesaid backdrop, I have heard learned counsels for the parties and have perused case file.

7. The parties are present in the Court, and I have interacted with them. On a query put to respondent no.2, he candidly submits that he has received the settlement amount and submits that, at the relevant time, the matter was essentially a civil dispute which, unnecessarily took the colour of criminal



culpability. He submits that the allegations were made without fully appreciating the adverse consequences and expresses regret for having invoked criminal proceedings. In view of the settlement, he further states that he does not wish to press any charges against the petitioners.

8. Having interacted with the complainant and considering the nature of the dispute, it appears to be private and civil, arising from a real estate transaction, and lacking any public or societal interest. The matter, which seems to have arisen from misunderstandings between the parties, has since been amicably resolved. Continuation of criminal proceedings would serve no useful purpose, constitute an abuse of the process of law, and place an unnecessary burden on the judicial system. In contrast, quashing the FIR in question would promote peace and harmony between the parties, particularly as the complainant does not wish to pursue the case further.

9. Accordingly, invoking inherent powers vested with this Court under Section 528 of the BNSS, it is deemed expedient to quash the FIR in question. Reference in this context may also be had to judgment rendered in the case of **Gian Singh** (supra).

10. The instant petition is thus allowed. The criminal proceedings arising out of FIR No.265/2025 dated 08.07.2025 for the alleged offences under Sections 120B, 406, 420 of IPC, registered at Police Station Safdarjung Enclave, against petitioner nos.1 to 4, and further proceedings arising therefrom, are hereby quashed.

11. The petition, along with pending application(s), if any, stands disposed of.

ARUN MONGA, J

AUGUST 12, 2025/dy