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

+ **W.P.(CRL) 2917/2024 & CRL.MA 28525/2024**

**RIDHIMA KALRA**

.....Petitioner

Through: Mr. Atul Rewan and Mr. Lalit Kumar,  
Adv.

versus

**THE STATE (GOVT. OF NCT OF DELHI) & ANR. ....Respondents**

Through: Mr. Sanjay Lao, Standing Counsel for  
State  
SI Snehlata, PS Kanjhawala

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **14.02.2025**

**W.P.(CRL) 2917/2024**

1. The captioned petition has been filed seeking following reliefs:

“A. Issue a writ, order or direction in the nature of mandamus and/or certiorari or any other appropriate writ, order or direction quashing the FIR No. 80/2020, Dated 29.02.2020 Registered by The Respondent P.S KANJHAWALA, Under Section 354, 506, 509, 451, 34 IPC, and all consequential proceedings emanating / arising therefrom or undertaken by the Respondent No.2 against the Petitioner; AND/OR  
B. Pass an order granting interim stay of the complaint and proceedings arising/ emanating from impugned FIR bearing FIR No. 80/2020, Dated 29.02.2020, P.S KANJHAWALA, Under Section 354, 506, 509, 451, 34 IPC in favour of the Petitioner in terms of the separate application for stay;”

2. This order is being passed in continuation of the order dated



14.01.2025. The relevant portion of order dated 14.01.2025 in the captioned petition is read as under: -

“13. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the Petitioner seeking quashing and cancelling of the FIR No. 80/2020 dated 29.02.2020 registered by Respondent No. 2 with P.S. Kanjhawala for offences under Sections 354/506/509/451/34 of the Indian Penal Code, 1860 on basis of the Settlement Agreement dated 12.08.2024, which is on record.

14. The complainant/Respondent No. 2 is present in Court and she is identified by the I.O. and Mr. Upendra Yadav, learned counsel appearing for Respondent No.2.

15. Ms. Ridhima, the Petitioner as well in present in the Court and she as well confirms the Settlement Agreement dated 12.08.2024.

16. Mr. Sanjay Lao, learned standing counsel appearing for the State submits that in the FIR No. 80/2020, five (5) persons have been named as accused; however, in the memo of parties only Ms. Ridhima has been arrayed as a Petitioner. He, therefore, states in the absence of the remaining accused, the petition for quashing the said FIR cannot be allowed.

17. Mr. Atul Dewan, learned counsel appearing for Petitioner, Ms. Ridhima, the Petitioner states that appropriate steps for filing amended memo of parties along with an amended petition and affidavits of the remaining accused will be filed within two (2) weeks and accordingly, requests for an adjournment.

18. In view of the Settlement Agreement dated 12.08.2024, Respondent No. 2 does not wish to pursue the complaint in question. The statement of Respondent no. 2 is taken on record. Petitioner and Respondent No. 2 are exempted from further appearance and their statements are taken on record and they are bound down by the same.

20. In view of the above, the I.O. is directed not to take any further steps against the accused(s) in the subject FIR No. 80/2020 dated 29.02.2020 until the next date of hearing.

21. List on **14.02.2025.**”



3. Learned counsel for the Petitioner states that an amended memo of parties has been filed on 02.02.2025 and the remaining accused persons have also been arrayed as Petitioner Nos. 2, 3, 4 and 5 to this petition. He states that Petitioner Nos. 2, 3 and 4 are present in Court. The Petitioner No. 5 is not present in Court and there is a prayer for exemption. It is, however, stated that Petitioner No. 5's affidavit in support of petition is also on record. Petitioner Nos. 2, 3 and 4, who are physical present in Court have been identified by their counsel as well as the Investigating Officer (I.O.).

4. Learned ASC states that investigation is complete, charge-sheet has been filed in this petition.

5. This Court has considered the submissions of the parties and perused the record.

6. The subject FIR was registered on basis of the complaint filed by Respondent No. 2. It is the case of the Petitioners that the parties have settled their disputes in terms of the Settlement Agreement dated 12.08.2024, which has been filed as Annexure P-3 to this petition. The parties herein are neighbours and both groups filed cross-FIRs against each other. The FIR filed by member of the Petitioner group is subject matter of quashing in W.P.(CRL) 2905/2024.

7. The Supreme Court in **Parbatbhai Aahir v. State of Gujarat**<sup>1</sup>, has laid down the parameters to be considered by the Court while exercising the inherent powers under Section 482 of the Code of Criminal Procedure, 1973. The relevant paragraph of the said judgment is noted as under: -

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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<sup>1</sup> (2017) 9 SCC 641



**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 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.

**16.5.** 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.

**16.4.** 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.”

(Emphasis Supplied)

8. 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<sup>2</sup> of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

9. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost. Consequentially, this petition is allowed, subject to costs of ₹15,000/- to be deposited by the Petitioners with the Delhi High Court Legal Services Committee within a week from today.

10. In view of the above, the FIR No. 80/2020 dated 29.02.2020 for offences under Sections 354/506/509/451/34 of the Indian Penal Code, 1860 registered at P.S. Kanjhawala and proceedings emanating therefrom are quashed.

11. Parties are bound down and shall abide by the terms of Settlement Agreement dated 12.08.2024.

12. Pending application, if any is disposed of as infructuous.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://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**

**FEBRUARY 14, 2025/hp/MG**

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<sup>2</sup> Section 482 of the Code of Criminal Procedure, 1973 is now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023