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

+ **W.P.(CRL) 597/2024**

SUNITA RANI

.....Petitioner

Through: **Mr. Vijender Pal Singh, Adv.**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: **Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma, Adv.
SI M.L. Meena, PS Sagarpur**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 13.02.2025

1. The present writ petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed by the petitioner seeking quashing of FIR bearing no. 013/2022, registered at Police Station [P.S] Sagar Pur, for offences punishable under Sections 420/34 of the Indian Penal Code, 1860 ('IPC').
2. Petitioner no. 1 is present in Court and is duly identified by the counsel for the Petitioner and the Investigating Officer ('IO').
3. Learned counsel for the Petitioner states that the dispute between the parties pertain to sale of plots. He states that Petitioner was the seller and Respondent no. 2 was the proposed purchaser.
4. He states that a civil suit has also been filed between the parties pertaining to this dispute. He states that parties have since amicably resolved the matter and Petitioner has paid over a sum of Rs. 9 lakhs to the



Respondent no. 2 through the demand draft.

5. He states that the statement of the Petitioner and Respondent no. 2 with respect to the mutual settlement was duly recorded by the concerned Court where the civil suit was pending. He states that the civil suit was also being disposed of in terms of the settlement.

6. He states that settlement agreement dated 28.01.2022 is on record. He relies upon the affidavit of Respondent no. 2 which has been placed on record recording his no objection for quashing the subject FIR.

7. Learned ASC states that investigation is still pending and no charge-sheet have been filed. He states that the IO has spoken to Respondent no. 2. He states that Respondent no. 2 has confirmed to the IO that the matter stands duly settled between the parties in terms of the settlement agreement dated 28.01.2022.

8. This Court has heard the counsel for the parties and peruse the record

9. The nature of dispute forming subject matter of the subject FIR is a transaction arising out of a civil dispute between the parties, which dispute have now been amicable resolved between the parties. In this regard it would be relevant to refer to the judgment passed in **Parbatbhai Aahir and Others v. State of Gujarat and Another** (2017) 9 SCC 641 wherein the Supreme Court has laid down broad principles for High Courts exercising jurisdiction under Section 482 for quashing proceedings on the ground of settlement. The relevant extract reads 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;



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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 in so far 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 criminal proceeding would cause oppression and prejudice; and..."

(‘Emphasis Supplied’)

10. Keeping in view the aforesaid principle and civil 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 purpose continuing with proceedings of the present FIR qua the Petitioner, 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 (BNSS).

11. However, keeping in mind the fact that the FIR was registered in 2022 and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost. The Petitioners are directed to make payment of a total cost of Rs.7,500/- to the Delhi High Court Legal Services Committee (DHCLSC), through the Secretary. In this regard, an affidavit of compliance shall be filed within three weeks from today.



12. In view of the above, the FIR No. 13/2022 dated 06.01.2022 registered at Police Station Sagar Pur, Delhi and proceedings emanating therefrom qua the Petitioner are hereby quashed.

13. The I.O. is directed to communicate the copy of this order to the Trial Court and have the same placed on record.

14. 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

FEBRUARY 13, 2025/hp/ms

Click here to check corrigendum, if any