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

+ **W.P.(CRL) 3027/2024**

ASHWANI BAHUGUNA AND ORS

.....Petitioners

Through: Mr. Shivam Sharma, Mr. Abhishek
Vikas and Mr. Utkarsh Bhushan,
Advocates

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Rahul Kochar, Ms. Chavi
and Ms. Sanskriti Nimbekar,
Advocates
SI Ravi Yadav, P.S. Lajpat Nagar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **14.02.2025**

CRL. M.A. ____ (to be numbered by the registry)

1. Learned counsel for the Petitioners requests that he may be permitted to hand across an application for impleadment of Mr. Pradeep Kumar Garg and Mr. Anil Kumar Garg, as Petitioner Nos. 5 and 6 in this writ petition. He submits that the said application has also been e-filed vide diary no. 1095386/2025 during the course of the day.
2. He states that the settlement deed dated 24.01.2025 which forms the basis for seeking quashing of FIR No. 338/2024 registered at P.S. Lajpat Nagar has also been signed between the complainant and these proposed Petitioners.



3. He states that the affidavit of the complainant/Respondent No. 2 in support of the prayer for quashing, recording her no objection to the quashing was not filed and the leave is also sought to place the same on record, by way of this application.
4. The application is taken on board. The Court Master is directed to place on record a copy of the application handed over. The registry is directed to number the same.
5. For the reasons stated in the application and for recording of comprehensive settlement between the parties, the said application is allowed.
6. The amended memo of parties is taken on record.
7. The affidavits of Petitioner Nos. 5 and 6 as well as Respondent No. 2 are taken on record.

CRL. M.A. 4836/2025 in W.P.CRL. 3027/2024

8. This application under Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023 seeking quashing of FIR No. 0338/2024 dated 09.09.2024 registered at P.S. Lajpat Nagar, Delhi for offences under Sections 318(4)/336(2)/338/340/3(5)/61(2) of the Bharatiya Nyaya Sanhita, 2023 against the Petitioners herein.
9. With the consent of the parties, the main writ can also be taken up for hearing.
10. The captioned writ petition has been filed seeking following reliefs: -
 - (a) Issue a Writ, order or direction in the nature of certiorari for quashing of the F.I.R. No. 0338/2024, registered at P.S. – Lajpat Nagar, South-East, Delhi; and/or
 - (b) Quashed the order passed by J.M.F.C.-01, under Section 156(3) Cr.P.C, dated 06.09.2024 in pursuance to which the FIR No. 0338/2024 is registered in Court Case No.



214/2023.

11. The subject FIR has been filed on complaint of Respondent No. 2. It is the case of the Petitioners in CRL. MA. 4836/2025 that the parties have settled all their disputes in terms of the settlement deed dated 24.01.2025 and there is no dispute left between the complainant/Respondent No. 2 and the accused persons/Petitioners.

12. Petitioner Nos. 1, 2, 3, 4, 5 and 6, who are present in Court have been identified by the learned counsel for the Petitioners and the Investigating Officer ('I.O.').

13. Respondent No. 2 is also personally present in Court and is duly identified by the I.O. She states that her husband, Mr. Sudeep Rawat has accompanied her for the hearing today.

14. Learned counsel for the Petitioner states that parties have entered into a settlement deed dated 24.01.2025, which is annexed as Annexure A-2 in CRL.M.A. 4836/2025.

14.1. He states that the Petitioners herein have undertaken to cooperate with the Respondent No. 2 in the civil litigation pending at Dehradun and withdraw all and any claims against the subject property in question and render assistance to Respondent No. 2 to prosecute the proceedings at Dehradun.

15. Respondent No. 2 confirms the execution of the settlement deed dated 24.01.2025. She states that she has no objection to quashing of the subject FIR.

16. Learned ASC states that investigation is going on and is yet not completed.



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

18. The disputes between the parties pertain to purchase of a land at Dehradun by Respondent No. 2 from the Petitioners. 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. The Supreme Court as well as this Court has repeatedly held that in disputes arising out of commercial transaction which lead to registration of an FIR may be quashed by the Court if it is satisfied that the settlement arrived between the parties is fair and has led to an amicable resolution of their disputes; as essentially the aggrieved person is the complainant therein. In this regard it would be relevant to refer to the judgment passed in **Parbatbhai Aahir and Others v. State of Gujarat and Another**¹, wherein the Supreme Court has laid down broad principles for High Courts exercising jurisdiction under Section 482 of the Code of Criminal Procedure, 1973² 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;

...

...

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

¹ (2017) 9 SCC 641

² Now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023



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’)

19. Keeping in view the aforesaid principle and civil nature of the dispute and the fact that the parties have amicably settled the dispute, wherein Respondent No. 2 is satisfied with the cooperation promised by the Petitioners in resolving the property dispute; this Court finds no purpose in continuing with the investigation of the subject FIR, as it would be an unnecessary burden on the State exchequer. Moreover, since Respondent No. 2 has entered into a settlement the chances of conviction of the Petitioner is bleak and thus there is no purpose in wasting precious judicial time. Accordingly, the petition is allowed. Consequently, the order dated 06.09.2024 passed by the learned MM and the FIR No. 0338/2024 dated 09.09.2024 registered at P.S. Lajpat Nagar, Delhi for offences under Sections 318(4)/336(2)/338/340/3(5)/61(2) of the Bharatiya Nyaya Sanhita, 2023 and proceedings emanating therefrom, are quashed, *qua* the Petitioners.

20. Parties shall abide by the terms of settlement.

21. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

22. The next date of hearing i.e., 14.05.2025 is cancelled.

23. 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 14, 2025/rhc/msh/MG