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

+ **CRL.M.C. 7818/2025**

**AMIT GARG @ AMIT AGGARWAL & ORS** .....Petitioners

Through: Mr. Sudhir, Advocate for Petitioner  
No. 1, 2 & 3 along with the  
Petitioners in person.

versus

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

Through: Mr. Hemant Mehla, APP for State  
along with ASI Jyoti, PS South  
Rohini.  
Mr. Lalit, Advocate for Respondent  
No. 2 along with the Respondent No.  
2.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**07.11.2025**

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 335/2023, registered at P.S. South Rohini for the offence under Section 406 of the Indian Penal Code, 1860<sup>3</sup>, and all consequential proceedings emanating therefrom.
2. The case of the prosecution is based on a complaint filed by

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<sup>1</sup> "BNSS"

<sup>2</sup> "CrPC"

<sup>3</sup> "IPC"



Respondent No. 2, alleging that he had agreed to purchase the upper ground floor of property No. E-20, House Nos. 202-247, Sector-3, Rohini, Delhi, from the accused persons for ₹68,11,000/-, against which ₹30,00,000/- was paid in advance. It was agreed that the accused persons would provide a gallery and adequate parking space to the Complainant, and that the sale documents would be executed in November-December 2019 after completion of construction. However, upon completion, the promised parking space was not provided. When the Complainant objected to the same, he was threatened and physically assaulted by the Petitioners. Subsequently, the Complainant came to know that the portion agreed to be sold to him had allegedly been sold to a third party. Based on this statement, the subject FIR was registered.

3. With the intervention of common friends, colleagues and other respectable members of society, the parties have amicably resolved their differences. Respondent No. 2 has decided not to pursue the present FIR against him. In furtherance of this settlement, a Compromise Deed dated 30<sup>th</sup> September, 2025 has been executed between the parties, copy whereof is placed on record and has been perused by this Court. As per the terms of settlement, the Petitioners have agreed to pay a settlement amount of ₹32,00,000/- to Respondent No. 2, who, in turn, has agreed to withdraw all cases pending against the Petitioners before various fora.

4. The Complainant, who appears in person and is identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. He confirms that as per the terms of the Agreement, he has already received a sum of



₹10,00,000/- from the Petitioners. The remaining amount of ₹22,00,000/- has been paid to Respondent No. 2 by way of two demand drafts, during the course of the proceedings. The said payment has been received and acknowledged by Respondent No. 2. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. The offence under Section 406 IPC is compoundable, *albeit* with the permission of the Court, and only at the instance of the aggrieved parties. However, that does not debar the High Court from resorting to its inherent power under Section 528 of BNSS (formerly, Section 482 of Cr.P.C.) and pass an appropriate order so as to secure the ends of justice.

6. Having regard to the nature of the dispute and the fact that the aggrieved party has amicably settled the matter, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose. In the circumstances, this is a fit case for exercise of jurisdiction under Section 528 of BNSS, as the continuance of proceedings would amount to an abuse of the process of law and impede the ends of justice.

7. However, considering that the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost.

8. Accordingly, the present petition is allowed, and FIR No. 335/2023, P.S. South Rohini as well as all consequential proceedings arising therefrom are quashed, subject to payment of a cost of INR 5,000/- each by the Petitioners to the Delhi Police Welfare Fund, within a period of four weeks from today. The proof of payment of cost be submitted with the concerned IO.



9. The parties shall remain bound by the terms of settlement.
10. Disposed of.

**SANJEEV NARULA, J**

**NOVEMBER 7, 2025/MK**