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

+ **W.P.(CRL) 3797/2024**

BINDHVASINI & ANR.

.....Petitioner

Through: Ms. Sakshi Sachdeva, Adv. along
with petitioners in person

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg, Adv.
SI Amandeep PS Aman Vihar
Mr. Manish Gautam, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.03.2025**

1. This order is being passed in continuation of the order dated 04.02.2025. The amended memo of parties has been filed by the learned counsel for Petitioners on 11.03.2025 and the same is on record.
2. Petitioner nos. 1, 2 and 3 are present in Court and are duly identified by the Investigating Officer (IO) and the learned counsel for the Petitioners.
3. Similarly Respondent no. 2 is also present in Court and is duly identified by the IO.
4. Learned counsel for the Petitioners states that the dispute between the Petitioners and Respondent no. 2 pertains to immovable property i.e., plot No.192, Khasra No.675, Budh Vihar Road, Ramesh Enclave, Kirari, Delhi



measuring 200 sq. yards.

5. She states that parties have amicably resolved the dispute and have executed a settlement deed on 12.11.2021. She states that Petitioner nos. 1 and 2 has paid a sum of Rs. 55 lakhs to Respondent no. 2 towards full and final settlement of all his claims qua the said immovable property. She states that Petitioner no. 3 was a tenant/occupant of the immovable property and he has since vacated the property and petitioner nos. 1 and 2 are in exclusive possession of the property.

6. Respondent no. 2, who is present in Court has interacted with the Court and confirms that he has executed the affidavit dated 02.12.2024 filed in support of this petition recording his no objection. He confirms receipt of the entire money and the amicable resolution of the disputes.

7. Petitioner no. 3, who is present in Court also confirms that he has vacated the property and has handed over the possession to Petitioner nos. 1 and 2.

8. Learned ASC states that investigation in the FIR is still pending and charge-sheet has yet to be filed.

9. This Court has considered the submissions of the parties and peruse the record.

10. The nature of dispute forming subject matter of the subject FIR is a commercial transaction between the parties, which dispute has now been amicably resolved between the parties. In this regard it would be relevant to refer to the judgment passed in **Parbatbhai Aahir v. State of Gujarat**¹ 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;

.....

.....

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’)

11. Keeping in view the aforesaid principle and commercial 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).

¹ (2017) 9 SCC 641



12. It is directed that parties shall abide by the terms of settlement.

13. In view of the above, the FIR No. 305/2018 dated 10.04.2018 registered at Police Station (P.S) Aman Vihar (outer) Delhi and proceedings emanating therefrom qua the Petitioners are hereby quashed.

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

15. 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

MARCH 12, 2025/hp/AKT

Click here to check corrigendum, if any