



2025:DHC:11524



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

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Date of Decision: December 17, 2025+ **CRL.M.C. 8165/2025 & CRL.M.A. 34114/2025****BHUPESH KAUSHIK & ORS.**

.....Petitioner

Through: Mr. Abhishek Saxena, Mr.
Saurav Dewal, Mr.
Munish and Mr. Kuldeep
Singh, Advs.
P-1 & P-2 in person.
Mr. Sumeet Shokeen and
Mr. Prayag D. Sehrawat,
Advs. for P-3 with P-3 in
person.

versus

**STATE OF NCT OF DELHI
AND ANOTHER**

.....Respondents

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Mr.
Lalit Luthra, Adv. with SI
Gaurav, PS Dwarka North.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed seeking quashing of FIR No. 423/2024 dated 12.09.2024, registered at Police Station Dwarka North, for offences under Sections 420/467/468/471/120B/34 of the Indian Penal Code, 1860 ('IPC'), and all proceedings arising therefrom.



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2. The brief facts are that in November 2019, Respondent No. 2 met a property dealer namely, Mr. Vikas Garg. It is alleged that Mr. Vikas Garg introduced Respondent No. 2 to Petitioner Nos. 1 and 3. It is alleged that Petitioner Nos. 1 and 3 induced Respondent No. 2 to enter into a collaboration agreement for the construction of a plot bearing No. 32, Block-B, Pocket-3, Sector 17, Dwarka, Delhi.

3. It is alleged that the payment for the said collaboration agreement was given by Respondent No. 2 to Petitioner No. 1 and the same was subsequently signed.

4. It is alleged that in January 2020, Petitioner No. 1 returned the aforesaid amount to Respondent No. 2 as he was not interested in moving forward with the collaboration agreement entered between them.

5. It is alleged that subsequently Petitioner Nos. 3 and 4 informed Respondent No. 2 that Petitioner No. 1 wanted to sell the said property as he was in urgent need of money. It is alleged that Petitioner Nos. 3 and 4 assured Respondent No. 2 that they would get the best deal for him.

6. It is alleged that thereafter Respondent No. 2 met all the petitioners, whereafter, Petitioner No. 2 told Respondent No. 2 that her husband was in urgent need of money and they had decided to sell the said property. It is alleged that the relative of Respondent No. 2 agreed to purchase the said property for an amount ₹2,67,50,000/-.

7. It is alleged that Petitioner Nos. 1 and 2 asked Respondent No. 2 to come after a week to collect the documents related to the



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property.

8. It is alleged that thereafter Respondent No. 2 along with his relative went to meet the petitioners, whereafter, Petitioner No. 2 handed over the documents of the property to Respondent No. 2.

9. It is alleged that Petitioner Nos. 3 and 4 assured Respondent No. 2 that they have verified the aforesaid documents, pursuant to which Respondent No. 2 handed over a sum of 5,00,000/- to Petitioner No. 2.

10. It is alleged that thereafter Petitioner Nos. 3 and 4 asked Respondent No. 2 for their commission, to which Respondent No. 2 replied that he will pay the same after execution of the sale deed.

11. It is alleged that on 20.07.2020, the sale deed of the said property was executed in the favour of Respondent No. 2's relative. It is alleged that thereafter Petitioner Nos. 3 and 4 asked Respondent No. 2 for their commission to which he agreed to pay after a few days.

12. It is alleged that after few days Respondent No. 2 was shocked to learn that Petitioner Nos. 1 and 2 had also executed an agreement to sell with Petitioner Nos. 3 and 4 for the said property.

13. It is alleged that when Respondent No. 2 went to discuss with Petitioner Nos. 3 and 4 regarding the same. It is alleged that Petitioner Nos. 3 and 4 demanded a sum of ₹25,00,000/- from Respondent No. 2 failing which they would not allow Respondent No. 2 to construct on the said property.



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14. It is alleged that on 23.06.2022 Respondent No. 2 paid Petitioner Nos. 3 and 4 a sum of ₹25,00,000/-. It is alleged that as soon as Respondent No. 2 started construction on the said plot, officials of DDA stopped the same and stated that DDA has not allotted the said property to anybody. Pursuant to a complaint given by Respondent No. 2 the present FIR was registered.

15. The present petition is filed on the ground that the parties have resolved all their disputes amicably by way of Settlement Deed dated 27.12.2024, out of their own free will and without any pressure, coercion, threat or force.

16. Petitioner Nos. 1 to 3 are present in person and have been duly identified by the Investigating Officer. It is pointed out that Petitioner No. 4, one of the accused persons, is not traceable.

17. This Court had recorded the statement of Respondent No. 2 on the last date of hearing, wherein, he stated that he does not wish to pursue any proceedings arising out of the present FIR against any of the accused persons.

18. In such circumstances, even if one of the accused is not coming forward, the other accused persons ought not to suffer when the complainant has already settled and the terms of the settlement have also been complied with.

19. Pursuant to the terms of the settlement, Petitioner Nos. 1 & 2 have executed a sale deed in favour of Respondent No. 2.

20. The chargesheet is also not filed as yet and the investigation is at a nascent stage.

21. Offence under Section 420 of the IPC is compoundable whereas offences under Sections 467/468/471 of the IPC are non-



compoundable.

22. It is well settled that the High Court while exercising its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of ***Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Supreme Court had observed as under :-

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or***
- (ii) to prevent abuse of the process of any court.***

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.



29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

(emphasis supplied)

23. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641***, the Hon’ble Supreme Court had observed 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.

16.2. 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.*

***16.4.** 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.*

***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.*

16.6.** In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

***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 insofar 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

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

24. From a perusal of the complaint, the role of Petitioner No. 4 seems to be of facilitating Petitioner Nos. 1 & 2 to meet with Respondent No. 2 as well as extorting money from him.

25. No purpose would be served by keeping the present proceedings alive awaiting Petitioner No. 4 to join the same.

26. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

27. 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.

28. In view of the above, FIR No. 423/2024 and all



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consequential proceedings arising therefrom are quashed, subject to payment of total cost of ₹50,000/- by the petitioners, to be deposited with the Delhi Police Martyrs' Fund, within a period of 6 weeks from date.

29. Let the proof of deposit of cost be submitted to the concerned SHO.

30. The present petition is allowed in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 17, 2025

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