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

+ **W.P.(CRL) 3881/2024 & CRL.M.A. 37463/2024**

PRADEEP KUMAR AGGARWALPetitioner

Through: **Mr. Pankaj Kumar, Adv.**

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel for
State
SI Jitender Singh, PS Burari**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

13.02.2025

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1. This petition has been filed seeking following reliefs:

It is, therefore, most humbly and respectfully prayed that in the light of above-mentioned facts and circumstances and settlement, your Lordship may graciously be pleased to quash the FIR bearing No.385/2023 u/s 420/506/34 IPC PS Burari, Delhi, and also its proceedings, if any, in the interest of justice.

2. Petitioner no. 1 is present in Court and is identified the counsel for the Petitioner and the Investigating Officer ('IO'). Respondent no. 2 is present in Court and as well identified by the IO.

3. Learned counsel for the Petitioner states that the subject matter of the dispute was a plot of land, which the Petitioner had agreed to sell to Respondent no. 2.

4. He states that parties have since entered into a settlement dated



23.11.2024 and Petitioner has transferred all his right, title and interest in the immovable property in favour of Respondent no.2.

5. He states that parties have executed a settlement deed dated 23.11.2024.

6. This Court has interacted with Respondent no. 2, who is present in Court. He confirms that he had executed the affidavit dated 07.12.2024 in support of this petition and executed the settlement dated 23.11.2024. He also confirms that he is in actual physical possession of the plot of land.

7. Learned ASC states that the matter is still pending at the stage of investigation and no chargesheet has been filed.

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

9. The nature of dispute forming subject matter of the subject FIR is a commercial transaction between the parties, which dispute have now been amicably 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 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).

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

12. However, keeping in mind the fact that the FIR was registered in 2023 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.25,000/- to the DHCLSC, through the Secretary. In this regard, an affidavit of compliance shall be filed within three weeks from today.

13. In view of the above, the FIR No. 385/2023 dated 05.04.2023 registered at Police Station Burari, Delhi and proceedings emanating



therefrom qua the Petitioner 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

FEBRUARY 13, 2025/hp

[Click here to check corrigendum, if any](#)