



\$~135

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

+ **CRL.M.C. 8574/2025 & CRL.M.A. 35837/2025**

HIMANSHU GANDHI

.....Petitioner

Through: Mr. Sachin Mishra and Mr. Rahul,
Adv.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Manisha, PS. Punjabi Bagh.
Mr. Prabhat Ranjan Tiwari, Adv. for
R-2.
Mr. Sameer Dewan, Adv. for
complainant/Sh. Amit Gupta.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

02.12.2025

%

CRL.M.A. 35838/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 8574/2025

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.623/2025 under Sections 318(4)/3(5) BNS registered at Police Station Punjabi Bagh and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. Mr. Tarang Srivastava, learned APP for the State accepts notice.



5. At the outset, Mr. Srivastava points out that in the FIR, two accused persons have been arraigned whereas the present petition has been filed by only one of the accused.
6. On the oral request of Mr. Sachin Mishra, learned counsel for the petitioner, the other co-accused namely Mr. J.P. Gandhi, is impleaded as respondent no.3 in the present petition.
7. Let amended memo of parties be filed during the course of a day.
8. The petitioner is present in Court whereas the respondent nos. 2 and 3 have joined through VC and have been identified by their respective counsel, as well as, by the Investigating Officer SI Manisha, PS. Punjabi Bagh.
9. The case of the prosecution is that the complainant/respondent no.2 had supplied wires to the accused persons. After certain payments were made by the accused persons there was still a balance amount of Rs. 20.80 lacs which was not paid and this led to the filing of complaint by the respondent no.2 which culminated into the registration of aforesaid FIR.
10. During pendency of the proceedings, the matter was referred to the Delhi Mediation Centre, Tis Hazari Courts, Delhi where parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 11.11.2025 which is annexed as Annexure P-2 to the present petition.
11. It is a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.22 lacs to the respondent no.2/complainant towards full and final settlement of all his claims. The entire settlement amount has already been paid by the petitioner to the respondent no.2 in the manner as mentioned in the settlement.
12. The receipt of entire amount of Rs. 22 lacs is acknowledged by the



respondent no.2, who has joined through VC.

13. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed.

14. At this stage, reference may be had to the decision of Hon'ble Supreme Court in ***Parbatbhai Aahir vs. State of Gujarat (2017) 9 SCC 641***, wherein the Supreme Court laid down as under:-

“...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”...

15. The present case is squarely covered by the decision of ***Parbatbhai Aahir*** (supra) as the dispute is predominantly civil in nature. Further, in view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

16. It is, thus, in the interest of justice that the present FIR and all other proceedings emanating therefrom be quashed.

17. Consequently, the petition is allowed and the FIR No.623/2025 under



Sections 318(4)/3(5) BNS registered at Police Station Punjabi Bagh alongwith all other proceedings emanating therefrom, is quashed.

18. The petition stands disposed of in the above terms.
19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 2, 2025/dss