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

+ **W.P.(CRL) 4130/2025**

KSYED ATIF RIZWAN AND ORS

.....Petitioners

Through: Mr. Asad Iqbal and Mr. Abuzar,
Advs.

versus

THE STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Ms. Chavi Lazarus, Mr.
Manan Wadhwa, Mr. Anshul Sharma
and Ms. Sanskriti Nimbekar, Adv.
with SI Omkant Yadav, PS. Hauz
Qazi.

Mr. Md. Qamar Ali and Ms.
Priyanka, Adv. for R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.12.2025

CRL.M.A. 37271/2025 (exemption)

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

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3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.191/2013 under Sections 406/419/420/467/468/471/120B/34 IPC registered at Police Station Hauz Qazi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. Mr. Amol Sinha, learned ASC for the State accepts



notice.

5. The petitioners, as well as, respondent no. 3 are present in Court whereas respondent no.4 has joined through VC. They have been identified by their respective counsels, as well as, by the Investigating Officer SI Omkant Yadav, PS. Hauz Qazi.

6. Respondent no.2 is stated to have passed away during pendency of the criminal proceedings.

7. Mr. Asad Iqbal, learned counsel for the petitioners submits that there was a business dispute between the petitioners and respondent nos. 2 to 4. The petitioners had filed as many as 05 complaints under section 138 of NI Act against respondent no.2. The present FIR was registered against the petitioners at the instance of respondent no.2, and during the lifetime of respondent no.2, the parties had arrived at a settlement, terms whereof were reduced in writing in the form of Deed of Compromise dated 23.12.2013 which is annexed as Annexure P/2 to the present petition.

8. It is stated that all the complaints filed under Section 138 of NI Act have been withdrawn by the petitioners in terms of the said Compromise Deed.

9. It is also a term of the settlement that the respondents shall cooperate with the petitioners for quashing of the present FIR.

10. Respondent no.3 is brother of the deceased, who was holding the Power of Attorney of the deceased when she was alive. Likewise, respondent no.4 is the son and legal representative of respondent no.2.

11. Respondent nos.3 and 4, on a query posed by the Court, affirm the factum of settlement and states that they have no objection in case the FIR is quashed.



12. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

13. 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.

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

15. Consequently, the petition is allowed and the FIR No.191/2013 under Sections 406/419/420/467/468/471/120B/34 IPC registered at Police Station Hauz Qazi alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 15, 2025/dss