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

+ **CRL.M.C. 9066/2025 & CRL.M.A. 37960/2025**

RAKESH KUMAR @

RAKESH KHATANA

.....Petitioner

Through: Ms. Karuna Bajaj,
Advocate along with
petitioner in person.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Ritesh Kumar Bahri,
APP for the State with SI
Sachin Kumar, PS Kalkaji.
Mr. Kshitij Singh and Mr.
Kumail Abbas, Advocates
for R-2 along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

19.12.2025

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1. The present petition is filed seeking quashing of FIR No. 747/2021 dated 01.11.2021, registered at Police Station Kalkaji, for the offences under Sections 420/406 of the Indian Penal Code, 1860 ('IPC'), including all consequential proceedings arising therefrom.

2. The FIR was registered on a complaint given by Respondent No. 2 alleging that the petitioner had approached her with an offer to purchase the subject property. Thereafter, Respondent No.2 and the petitioner entered into an Agreement to Sell dated 26.09.2016 on the assurance of the petitioner having ownership of the subject property, whereafter, Respondent No.2 transferred a total sum of ₹5,65,000/- to the petitioner. Despite

CRL.M.C. 9066/2025

Page 1 of 5



the same, the subject property could not be transferred in the name of the complainant due to persisting issues in relation to ownership. This led to registration of the subject FIR.

3. At the outset, the learned Additional Public Prosecutor for the State submits that during the course of investigation, the petitioner absconded and was declared as proclaimed person on 06.06.2025.

4. The learned counsel for the petitioner points out that operation of the said order was stayed by the learned Revisional Court on 21.08.2025, and on the joint request of the parties, they were referred to mediation. He submits that the summons for the proceedings was received by the wife of the petitioner, who is embroiled in matrimonial disputes with him, and therefore, she did not inform the petitioner about the service of summons, which led to his non-appearance before the learned Trial Court.

5. The present petition has been filed on the ground that the parties have amicably settled all their disputes by way of Memorandum of Settlement dated 11.11.2025, of their own free will, without any coercion, pressure, undue influence, force, misrepresentation or mistake.

6. The petitioner and Respondent No.2 are present in person in Court. They have been duly identified by the Investigating Officer.

7. In terms of the settlement dated 11.11.2025, out of the entire settlement amount of ₹8,00,000/-, an amount of ₹4,00,000/- has already been paid to Respondent No.2 and the balance amount of ₹4,00,000/- has been handed over today in the Court to the Respondent No.2 by way of demand draft bearing no. 020501 dated 04.12.2025 drawn on by Kotak Mahindra



Bank, Jasola Vihar, Delhi.

8. On being asked, Respondent No.2 states that all the disputes between the parties have been settled. She submits that pursuant to the settlement, she has received the entire settlement amount. She states that she does not wish to pursue any proceedings arising out of the present FIR and has no objection if the same are quashed.

9. Offences under Sections 420/406 of the IPC are compoundable in nature.

10. Although the order *qua* the petitioner's declaration as a proclaimed offender has been stayed, this Court considers it apposite to deal with the consequential offence under Section 174A of the IPC as well (which is non-compoundable in nature), even though, it is undisputably an independent offence.

11. It is well settled that the High Court while exercising its powers under Section 528 of the Bhartiya 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)

12. Considering that the parties have amicably resolved their dispute in relation to the substantive offences, no purpose would be served by continuation of proceedings. 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.

13. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.

14. In view of the above, FIR No. 747/2021 and all consequential proceedings arising therefrom are quashed, including the order of proclamation dated 06.06.2025, subject to payment of cost of ₹30,000/- by the petitioner to be deposited with the Delhi Police Welfare Society within a period of eight weeks.

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

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

AMIT MAHAJAN, J

DECEMBER 19, 2025

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