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

+ **CRL.M.C. 2114/2026**

ROHIT KUMAR & ORS.Petitioner

Through: **Mr. Vikas Kumar, Advocate.**

versus

THE STATE (NCT OF DELHI) & ORS.Respondent

Through: **Mr. Yudhvair Singh Chauhan, APP
with SI Harish Kumar and SI Lal
Chand.**

**Mr. Vishal Dabas, Advocate for
R2 and R3.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.05.2026**

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], seeking quashing of FIR No. 362/2011 dated 05.11.2011, registered at Police Station Shahbad Dairy, Outer District, Delhi, under Sections 448/420 of the Indian Penal Code, 1860, ["IPC"], and all consequential proceedings emanating therefrom, on the ground of settlement.
2. The impugned FIR was registered pursuant to directions issued by the learned Magistrate's Court, on a complaint preferred by respondent Nos. 2 and 3 against the petitioners herein. The allegations, as emerging therefrom, are that respondent Nos. 2 and 3 had purchased two plots bearing Nos. B-406 and B-407, admeasuring 12½ square yards each,



situated in Shahbad Dairy, Delhi. In 2010, when respondent No. 2 visited the said plots, he found the lock affixed to the gate of the boundary wall to have been broken. Upon inquiry, it was revealed that the petitioners herein had forcibly taken possession of the plots and had also extended threats to respondent Nos. 2 and 3.

3. Upon completion of the investigation, a chargesheet was filed under Sections 448/420/467/468/471/34 of the IPC. I am informed that charges have not yet been framed.

4. The parties have since settled their disputes amicably, as recorded in a Compromise/Settlement Deed dated 20.06.2016. In view of the aforesaid, the parties jointly pray for quashing of the impugned FIR.

5. The parties are present in Court, and have been duly identified by their respective learned counsel and the Investigating Officer.

6. The Compromise/Settlement Deed dated 20.06.2016 records that the disputes between the parties stand amicably resolved, and that petitioner No. 3 has handed over physical possession of the subject plot to respondent Nos. 2 and 3.

7. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue influence.

8. Notwithstanding the allegation of forgery, Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, submits that the allegedly forged documents have not been presented before any public office.

9. Although the offences under Sections 467, 468, and 471 of the IPC are non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can



quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.*¹, which held as follows:

“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. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-

¹ (2012) 10 SCC 303.



fast category can be prescribed.”²

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings.

The relevant observations in the said decision read 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

10. The present case arises out of a land ownership dispute that has since been amicably resolved between the parties. Although there is an allegation of forgery, it is not related to any document presented before a public officer. The dispute does not involve any element of public interest or heinous criminality. This, in my view, is a fit case in which the inherent powers of this Court may be exercised to quash the FIR in question. As respondent Nos. 2 and 3 have affirmed the voluntary nature of the settlement, it is also unlikely that further proceedings would result in any conviction. Continuation of criminal proceedings pursuant to the impugned FIR would, therefore, be an unnecessary diversion of judicial resources.

11. However, considering that the criminal justice machinery had been set in motion and that considerable time of both the State and the Court has been expended, the petitioners are directed to deposit costs of Rs.15,000/- each with the Delhi High Court Bar Association [A/C No. 15530110179338, IFSC No. UCBA0001553, Bank Name: UCO Bank, Branch: Delhi High Court], within two weeks from today. An affidavit of compliance shall be filed within two weeks thereafter.

12. Having regard to above discussion, the petition is allowed, and FIR No. 362/2011 dated 05.11.2011, registered at Police Station Shahbad Dairy, Outer District, Delhi, under Sections 448/420 of the IPC,

⁴ Emphasis supplied.



alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to payment of costs as aforesaid.

13. The parties shall remain bound by the terms of the settlement.

14. The petition, accordingly, stands disposed of.

MAY 13, 2026
SS/KA/

PRATEEK JALAN, J