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

+ **CRL.M.C. 3467/2025**

BIRMATI DEVI

.....Petitioner

Through: Mr. Sahil Rana, Advocate with
petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP with SI
Bijendar, PS-Sultanpuri.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.02.2026**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] [corresponding to Section 482 of the Code of Criminal Procedure ["CrPC"]], seeking quashing of FIR No. 1288/2006 dated 12.08.2006, registered at Police Station Sultan Puri, District North West, Delhi, under Sections 420/120B of the Indian Penal Code, 1860, ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of State. Learned counsel accepts notice on behalf of respondent No. 2.
3. The impugned FIR was registered at the instance of respondent No.2
4. The dispute concerns an allegation that one Mr. Vinod Kumar



falsely represented himself as the sole owner of a plot in Rohini, Delhi, and induced respondent No. 2 to purchase the said plot. However, he later sold the same plot to the petitioner herein and her husband, following which they began construction on the said plot, which was against the *status quo* order granted by the Civil Court.

5. A chargesheet has also been filed against the petitioner, her husband and Mr. Vinod Kumar on 04.11.2008. During the pendency of the proceedings, petitioner's husband and Mr. Vinod Kumar have passed away, and proceedings against them stand abated. Copies of their death certificates have been annexed to the petition.

6. The parties have since resolved their disputes by way of a Compromise Deed on 04.02.2025, wherein the parties have mutually agreed that respondent No. 2 will withdraw the cases filed before different Courts, and petitioner will make a payment of Rs. 50,00,000/- to respondent No. 2. No objection affidavits are handed up in Court stating that the disputes between the parties have been settled. The same are taken on record.

7. It is further submitted that the settlement has been arrived at voluntarily, without any coercion, pressure, or undue influence, and that continuation of the criminal proceedings would serve no useful purpose.

8. Mr. Sahil Rana, learned counsel for the petitioner, submits that a connected-FIR [FIR No. 1827/2006] has already been quashed.

9. I have heard learned counsel for the parties. The petitioner has been identified by the Investigating Officer ["IO"] as well as by Mr. Rana. Respondent No. 2 has also been identified by his learned counsel and the IO.



10. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), 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.

11. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has 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

¹ (2012) 10 SCC 303.



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-fast category can be prescribed.

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61. **The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.** However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. **But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to**



secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.²

Further, in *Narinder Singh & Ors. v. State of Punjab & 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

12. The offences alleged in the impugned FIR arise out of a commercial transaction between the parties and are essentially private in nature. The dispute does not involve any element of public interest or heinous criminality. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

13. The settlement contemplates payment of a sum of Rs. 50,00,000/- to respondent No. 2, who states that the amount has already been received. There is therefore no impediment to the grant of the relief sought.

14. Having regard to the above discussion, the petition is allowed. FIR No. 1288/1006 dated 12.08.2006, registered at Police Station Sultan Puri,

⁴ Emphasis supplied.



Delhi, under Sections 420/120B of IPC, and all proceedings emanating therefrom, are hereby quashed.

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

16. The petition thus stands disposed of.

PRATEEK JALAN, J

FEBRUARY 2, 2026

SS/AD/