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

\# **CNR No. DLHC010482782026**

\+ CRL.M.C. 7523/2026 & CRL.M.A. 31439/2026

SUSHIL KUMAR GARG .....Petitioner

Through: Mr. Animesh Kumar Dixit and Mr. Ratan Prakash, Advocates

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Ms. Richa Dhawan, APP for State (Through VC) with SI Manish, PS: Budh Vihar

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 07.10.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ['BNSS'][1] read with Article 227 of the Constitution of India, seeking the following reliefs: -

> "Quash the FIR no. 0046/2020, dated 15.02.2020 P.S. Budh Vihar, Rohini, Delhi, Cr. Case No 5368/2020 before Ld. JMFC -551, North West Dist. Rohini Dist. Court, Delhi."

2. Mr. Animesh Kumar Dixit, learned counsel for the Petitioner, states that on account of dishonour of cheques, Respondent No. 2 had filed criminal complaint cases under Section 138 of the Negotiable Instruments Act, 1881 ['NI Act'] against the Petitioner herein.

[1] Corresponding to Section 482 of the Code of Criminal Procedure, 1973 ['CrPC']

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2.1. He states that due to the non-appearance of the Petitioner in some of the complaint cases, the learned Trial Court declared the Petitioner as a proclaimed offender *vide* order dated 27.01.2020 in Criminal Case No. 5368/2020 and directed registration of the subject FIR.

2.2. He states that, however, on 12.12.2022, the Petitioner amicably settled all his disputes with Respondent No. 2 under the aegis of the Delhi Mediation Centre, Rohini District Courts, Delhi. He states that the orders recording this settlement in each of the criminal complaints have been filed as Annexure P-4 of the paper-book.

2.3. He states that on 16.01.2025, all the six [6] complaints have been disposed of as compounded and the Petitioner herein has been acquitted. He submits that in these circumstances, the Petitioner has approached this Court seeking quashing of the subject FIR.

3. Issue notice. Ms. Richa Dhawan, learned Additional Public Prosecutor, accepts notice on behalf of the State.

3.1. She states that the State has no objection to the quashing of the FIR in view of the facts set out in the petition. She states that the chargesheet has been filed. She states that though allowing the quashing would save costs to the public exchequer, this is a fit case that exemplary costs should be imposed upon the Petitioner for the costs incurred by the State machinery in the process of securing his presence to face trial in the complaint.

4. This Court has heard the learned counsel for the parties and perused the record.

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5. With respect to non-compoundable offences, the Supreme Court has held in **Gian Singh v. State of Punjab**[2] 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. Where the dispute is predominantly private in nature and does not involve any overriding societal or public interest, quashing the proceedings would serve the ends of justice and prevent the abuse of the process of law. Similar principles were reiterated in **Parbatbhai Aahir v. State of Gujarat**[3], wherein the Supreme Court held that, while exercising such jurisdiction, the High Court is required to be guided by the considerations of securing the ends of justice and preventing abuse of the process of any Court.

6. As noted above, the principal dispute was with respect to a criminal complaint filed under Section 138 of the NI Act due to dishonour of the cheque. The Petitioner failed to appear in the trial despite due service of summons, compelling the learned Trial Court to direct initiation of proclaimed offender proceedings against the Petitioner. The primary intent was therefore to secure the presence of the Petitioner to face trial and punish him for his wilful non-appearance. There is no prior similar instance of the Petitioner failing to appear in legal proceedings leading to filing of similar FIR cited before this Court. Since the Petitioner has thereafter appeared before the learned Trial Court and has compounded the offence, this Court is of the considered opinion that the subject FIR can be directed to be quashed.

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[2] (2012) 10 SCC 303

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No public interest is involved in, or would be served by, proceeding with the trial arising out of the subject FIR. This Court is of the view that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

7. Nevertheless, this Court deems it appropriate that, considering the cost incurred by the public exchequer in prosecuting the subject FIR, it would be apposite for the Petitioner to pay costs for a cause. Accordingly, the Petitioner is directed to pay costs of Rs. 50,000/- to DHCLSC within two [2] weeks and file proof within three [3] weeks from today.

8. Subject to payment of aforesaid costs, within the time granted, the FIR No. 46/2020 dated 15.02.2020 under Section 174A of the Indian Penal Code, 1860 registered at Police Station Budh Vihar, Rohini, Delhi, Criminal Case No. 5368/2020, chargesheet and consequential proceedings emanating therefrom are hereby quashed.

9. The petition is disposed of. Pending application stands disposed of.

10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 7, 2026/*rhc*/aa

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[3] (2017) 9 SCC 641

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