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

\# **CNR No. DLHC010512072026**

\+ CRL.M.C. 8012/2026 & CRL.M.A. 33413/2026

GULSHAN KUMAR .....Petitioner

Through: Mr. Usman Chaudhary and Ms. P. Singh, Advs.

versus

STATE G.N.C.T. OF DELHI & ANR. .....Respondents

Through: Mr. Naresh Kumar Chahar, APP
SI Shankar PS Swaroop Nagar
Mr. Shashank Verma, Adv. along with Mr. Sanjeev Tomar

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

O R D E R

% 27.10.2026

1. The present petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [‘BNSS’] has been filed by the Petitioner seeking quashing of FIR No. 114/2013, registered at Police Station (‘PS’) Swaroop Nagar, Delhi, under Sections 420/419/468/471/120B of the Indian Penal Code, 1860 [‘IPC’], along with all consequential proceedings.

2. It is stated that the dispute arose over ownership rights a plot measuring 126 sq. yards bearing Khasra No. 13/6 at High Tension Road, G-Block, Swaroop Nagar, Delhi [‘subject plot’], which Respondent No. 2, claimed to have purchased along with his wife on 07.03.2011, whereas the

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Petitioner asserted ownership rights on the basis of documents executed in his favour by another person (third party) and allegedly obstructed the complainant from carrying out construction.

2.1 It is stated that the Petitioner had instituted civil suits concerning the property, which were dismissed on 30.05.2024, against which appeals were filed.

2.2 It is stated that during the pendency of the appeals, the parties were referred to Mediation Centre, Rohini District Courts on 04.05.2026 and they have arrived at a settlement dated 16.05.2026, whereby the Petitioner has agreed not to claim any right over or interfere with the peaceful possession of the complainant and his wife in the subject plot, while Respondent No. 2 agreed not to pursue the criminal proceedings and to cooperate in quashing of the subject FIR.

3. Petitioner no. 1 is present in Court with his counsel and is identified by the Investigating Officer ['IO'].

4. Respondent no. 2 is present in Court with his counsel and is identified by the IO.

5. Issue Notice.

6. Mr. Naresh Kumar Chahar, learned APP for the State accepts notice. He states that a charge-sheet has been filed *qua* the Petitioner herein.

6.1 He states that during investigation, Petitioner had denied custody of any original documents and had stated that originals of the documents are

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with Mr. Sudesh Manchanda. He states thereafter a closure report has been filed that Mr. Sudesh Manchanda did not have custody of any of the original documents.

6.2 He states that in fact as per the submissions made before this Court today, the petitioner acknowledges that the original documents were in his custody and deposited with the Civil Court.

6.3 He states however in view of the fact that this is a civil dispute between the parties, the State has no objection to the closure of this matter and the quashing.

7. This Court has interacted with Respondent No. 2. He submits that he is an Advocate by profession and confirms the aforesaid submissions of the Petitioner. He submits that he has executed the affidavit dated 17.08.2026, recording his 'no-objection' to the relief sought in the present petition.

7.1 He states that he does not require the custody of the originals of the documents relied upon by the Petitioner to claim the ownership and he has no objection if the Petitioner retains those documents.

8. Learned counsel for the Petitioner states that the Petitioner has relinquished all his claims of title or ownership to the subject plot and has withdrawn all civil proceedings (including appeal) against Respondent No. 2. He submits that the Petitioner undertakes to not claim any right, title or interest in the subject plot. He submits that the Petitioner herein has no criminal antecedents.

8.1 He states that petitioner had filed the original documents in the civil

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proceedings and the Petitioner undertakes that after collecting the said documents, he will not rely upon the said documents any further and will destroy the same to avoid any violation of the undertaking given to this Court.

8.2 He submits that since the criminal proceedings are presently at the stage of arguments on charge and the parties have amicably resolved their dispute, the Petitioner seeks quashing of the FIR, chargesheet and all consequential proceedings.

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

10. It is no longer res-integra that this Court has the power to quash the criminal proceedings in the cases of non-compoundable offence, wherein, the dispute is essentially a civil dispute, and the parties have settled the matter amongst themselves.

11. Therefore, keeping in mind the law settled by the Supreme Court in **Gian Singh v. State of Punjab**[1] and **Narinder Singh v. State of Punjab**[2] while exercising the inherent jurisdiction, this Court is of the considered opinion that since the dispute between the parties herein was a civil dispute pertaining to immovable property and has been amicably settled between the parties, continuing with criminal proceedings would serve no useful purpose and would rather be a burden on the State exchequer. In view of the settlement arrived, it would be appropriate to bring an end to the criminal

[1] (2012) 10 SCC 303 at paragraph no. 61
[2] (2014) 6 SCC 466 at paragraph no. 29 (29.1 to 29.5)

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proceedings.

12. Accordingly, exercising inherent powers vested in this Court under Section 528 of BNSS, it is deemed appropriate to quash the subject FIR.

13. However, since the State machinery has been put to motion, ends of justice would be served if the Petitioner is put to costs. The Petitioner is directed to make payment of a total cost of Rs. 25,000/- to the Delhi High Court Legal Service Committee (DHCLSC) within four (4) weeks. In this regard, an affidavit of compliance shall be filed within one (1) week thereafter.

14. Subject to petitioner depositing the costs, FIR No. 114/2013, registered at PS Swaroop Nagar, Delhi, under Sections 420/419/468/471/120B of the IPC, along with charge-sheet and all consequential proceedings arising therefrom, shall stand quashed.

15. The petitioner will place the order along with proof of payment of costs before the trial Court on or before the next date of hearing for information.

16. This Court notes that the subject plot is in an unauthorized colony and neither party has registered title documents to the said plot. It is made clear that this order shall not be construed as an expression of recognition of the ownership of the respondent no. 2 in the subject plot.

17. The petition is allowed in the aforesaid terms. Pending application stand disposed of.

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18. 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 order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 27, 2026/hp/AM

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