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

\# **CNR No. DLHC010568722025**

\+ CRL.M.C. 5565/2025

SH. SUNNY KHANNA .....Petitioner

Through: Mr. Lokesh Kumar and Mr. Navneet Tomar, Advocates along with the Petitioner in person

versus

THE STATE OF NCT OF DELHI AND ANR .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for State with SI Madan Lal, PS: Dwarka Sector-23

Respondent No. 2 through VC

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

O R D E R

% 07.10.2026

1. This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ['BNSS'][1] seeking quashing of FIR No. 321/2016 dated 19.10.2016 registered at Police Station Sector 23, Dwarka, Delhi under Sections 380, 471, and 468 of the Indian Penal Code, 1860.

2. The Petitioner is present in Court and is represented by his counsel and identified by the Investigating Officer ['I.O.'].

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

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3. Respondent No. 2 has joined the proceedings through Video Conferencing [‘VC’] link and is identified by the I.O.

4. Mr. Lokesh Kumar, learned counsel for the Petitioner, states that the Petitioner was a tenant of Respondent No. 2 and disputes arose on account of non-payment of rent and unauthorized removal of goods of Respondent No. 2 by the Petitioner herein, as enlisted in the subject FIR.

4.1. He submits that, however, the parties have amicably resolved the matter as recorded in the Memorandum of Understanding dated 13.08.2025 [‘MOU’]. He states that the Petitioner has paid the entire amount of Rs. 1,40,000/- to Respondent No. 2, as agreed in the MOU, towards arrears of rent and payment against remove goods mentioned in the FIR.

4.2. He further states that there are no other criminal antecedents of the Petitioner herein.

5. This Court has interacted with Respondent No. 2.

6. Respondent no. 2 confirms having executed the MOU and also the receipt of the sum of Rs. 1,40,000/-. He confirms having executed the affidavit dated 21.04.2025 recording his no objection filed at page no. 31 of the paper-book.

7. The parties state that they have amicably resolved their disputes voluntarily, without any coercion, undue influence or pressure. In view of the aforesaid facts and the MOU, the parties seek the quashing of the subject FIR.

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8. Mr. Chahar, learned Additional Public Prosecutor, states that although a chargesheet has been filed, the State has no objection to the relief sought in the petition, in view of the fact that the matter essentially is a civil dispute between the parties. He states that, however, this is a fit case that exemplary costs should be imposed upon the Petitioner for the costs incurred by the State machinery.

9. This Court has heard the parties and perused the record.

10. 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.

11. As noted above, the genesis of the dispute is civil and private in nature, arising out of non-payment of rent and unauthorized removal of goods from the premises by the Petitioner. The dispute has since been

[2] (2012) 10 SCC 303

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amicably settled between the parties without any coercion or undue influence. The Petitioner has no previous criminal antecedents or any similar FIR. In these circumstances, letting the subject FIR proceed to trial would serve no meaningful public purpose as no public interest is involved, besides imposing an unnecessary burden on the State exchequer. It would result in continuation of criminal proceedings arising out of a predominantly private dispute and would therefore amount to an abuse of the process of the Court. In the considered opinion of this Court, it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

12. Nevertheless, this Court deems it appropriate that, considering the cost incurred by the public exchequer, 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 four [4] weeks and file proof within five [5] weeks from today.

13. Subject to payment of aforesaid costs, within the time granted, the FIR No. 321/2016 registered at Police Station Sector 23, Dwarka, Delhi under Sections 380, 471, and 468 of the IPC, the chargesheet and all consequential proceedings emanating therefrom are hereby quashed.

14. Parties shall remain bound and abide by the terms of settlement.

15. Accordingly, the petition is disposed of.

16. 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

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[3] (2017) 9 SCC 641

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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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