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

+ CRL.M.C. 7438/2025

BATULAN AND ORS

.....Petitioners

Through: Mr. Musharraf Ali, Advocate with  
Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for  
State with SI Sanjeev, PS Kalkaji.  
R2 on VC.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**17.02.2026**

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 377/2024 dated 03.09.2024, registered at Police Station Kalkaji, District South-East, New Delhi, under Sections 420/406/120B of the Indian Penal Code, 1860 ["IPC"], and consequential proceedings emanating therefrom, on the ground of settlement.
2. Notice was issued in the captioned petition *vide* order dated 17.10.2025. Respondent No. 2 – complainant, appears in person through video conference, and states that he does not wish to avail the assistance of counsel.
3. The impugned FIR was registered at the instance of respondent No.2 against three accused persons [petitioners herein]. The allegations, as emerging therefrom, are that petitioner No. 2 approached respondent No. 2 representing that his wife [petitioner No. 1 herein] was the owner of a flat bearing No. A-240, First Floor with roof rights, DDA Janta Flats,



Kalkaji, New Delhi, and that they were willing to sell the same for a consideration of Rs. 14,61,000/-, on the condition that only symbolic possession would be handed over to respondent No.2 for a period of one year, while the petitioners would continue to retain possession and pay rent. Pursuant thereto, a registered Sale Deed and allied documents were executed. However, the petitioners thereafter refused to vacate the property, and respondent No. 2 subsequently discovered that the said property had been mortgaged with multiple banks against outstanding loans.

4. Upon completion of investigation, a chargesheet was filed under Sections 420/406/467/468/471/120B of the IPC.

5. The parties have since amicably resolved their disputes, as recorded in a Memorandum of Understanding dated 20.08.2025 [“MoU”], executed between petitioner Nos. 1 and 2, respondent No. 2, and Mr. Sumit Kumar [brother of respondent No. 2]. The MoU provides for the payment of a sum of Rs.60,00,000/- by petitioner Nos. 1 and 2 to respondent No. 2 and Mr. Sumit Kumar, in respect of two transactions.

6. In light of the aforesaid, the parties seek quashing of the impugned FIR.

7. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer [“IO”]. Respondent No. 2 is present through video conference, and has been identified by the IO.

8. The parties confirm that the settlement has been entered into voluntarily, and without any coercion or undue pressure. The MoU has also been verified by the IO.



9. Although the offences under Sections 467, 468, 471, and 120B 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.

10. In *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], the Supreme Court 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-fast category can be prescribed.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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.**

*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.”*

[Emphasis supplied.]

11. The present case arises out of a property transaction that has since been settled between the parties for a monetary consideration. 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 No. 2 has 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.

12. Respondent no. 2 states that the terms of the MoU have been duly implemented. There is, therefore, no impediment to the grant of the relief sought.

13. Having regard to the above discussion, the petition is allowed, and FIR No. 377/2024 dated 03.09.2024, registered at Police Station Kalkaji, District South-East, New Delhi, under Sections 420/406/120B of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

14. The petition stands disposed of.

**PRATEEK JALAN, J**

**FEBRUARY 17, 2026/‘pv/KA’/**