



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

+ **CRL.M.C. 6593/2024**

JAGMOHAN BHARDWAJ .....Petitioner

Through: Mr. Purushottam Kumar,  
Advocate alongwith Petitioner-  
in-Person.

versus

STATE (GOVT. OF NCT OF DELHI)

& ORS. ....Respondents

Through: Mr. Raj Kumar, APP for the  
State.

Mr. Avi Singh & Mr. Nishant  
Rai Goel, Advocates for R-2 &  
R-3 alongwith R-2 & R-3  
(Through V.C.).

SI Ram Singh (P.S. Saket) & SI  
Sumit Kumar (P.S. Naraina).

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+ **CRL.M.C. 6625/2024**

ANKIT SETH & ANR. ....Petitioners

Through: Mr. Avi Singh & Mr. Nishant  
Rai Goel, Advocates alongwith  
Both Petitioners(Through V.C.).

versus

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

Through: Mr. Raj Kumar, APP for the  
State.

Mr. Purushottam Kumar,  
Advocate alongwith Respondent  
No.2-in-Person.

SI Ram Singh (P.S. Saket) & SI  
Sumit Kumar (P.S. Naraina).

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**23.08.2024**

**CRL.M.A. 25175/2024 in CRL.M.C. 6593/2024 (exemption**



*from filing certified copies of annexures)*

**CRL.M.A. 25278/2024 in CRL.M.C. 6625/2024 (exemption from filing certified copies of annexures)**

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

**CRL.M.C. 6593/2024 & CRL.M.C. 6625/2024**

1. The present petitions are filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of cross-FIRs being FIR No. 385/2014 dated 15.08.2014 registered at Police Station Naraina, for offences under Sections 279/323/427/509 of the Indian Penal Code, 1860 ('IPC') and FIR No. 384/2014 dated 15.08.2014 registered at Police Station Naraina for offences under Sections 279/323/427/356/379/34 of the IPC. Both the FIRs were registered on a complaint filed by Respondent No. 2 in the respective petitions.

2. Chargesheet in FIR No. 384/2014 has been filed under Sections 279/323/427/356/379/392/34 of the IPC against Respondent Nos. 2 and 3 in CRL.M.C. 6593/2024.

3. FIR No. 385/2014 was registered on a complaint filed by Mr. Ankit Seth (Respondent No.2/ Complainant in CRL.M.C. 6593/2024) alleging that on 15.08.2014, an accident took place, wherein Respondent No.2's car was hit by the petitioner's car. It is alleged that thereafter, an altercation took place between the parties which led to the registration of the subject FIR.

4. FIR No. 384/2014 was registered on a complaint filed by Mr. Jagmohan Bhardwaj (Respondent No. 2 in CRL.M.C. 6625/2024) alleging that when Respondent No. 2 was on his way home with his wife, his car was hit from behind by Petitioner No.



1. It is alleged that thereafter when Respondent No. 2 tried to move away, the petitioners in CRL.M.C. 6625/2024 blocked the way. It is alleged that thereafter Petitioner No.1 came out his car with Petitioner No.2 and gave beatings to Respondent No.2 which led to the registration of the FIR No. 384/2014.

5. The present petitions are filed on the ground that the parties have amicably settled all their disputes with the intervention of the Delhi Mediation Centre, Patiala House Courts, New Delhi, by way of settlement dated 05.01.2024, of their own free will without any coercion, pressure, or undue influence. In accordance with the terms of the settlement, the parties have agreed to put a quietus to all their pending disputes, and have undertaken to maintain peace and harmony.

6. The complainants in CRL.M.C. 6593/2024 are present through video conferencing and complainant in CRL.M.C. 6625/2024 is present in person and have been duly identified by the Investigating Officer ('IO'). On being asked, they state that they have settled all their disputes amicably and have unconditionally apologized for their behaviour. They state that they wish to live their lives peacefully and harmoniously and undertake to not indulge in such activity in the future. The parties further state that they have no objection if the proceedings arising out of the present cross-FIRs are quashed.

7. Offences under Sections 323/379/427/509 of the IPC are compoundable whereas offences under Sections 279/356/392 of the IPC are non-compoundable in nature.

8. It is well settled that the High Court while exercising powers under Section 528 of the BNSS, can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The



Hon'ble Apex Court has laid down parameters and guidelines for High Courts exercising jurisdiction under Section 582 of the BNSS for quashing of proceedings on the ground of settlement. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Apex Court has observed 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, *where 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)

9. Similarly, in the case of ***Parbatbhai Aahir & Ors v. State of Gujarat & Anr. : (2017) 9 SCC 641***, the Hon’ble Apex Court has observed as under :-

*“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:*

*16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.*

*16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*

*16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.*



16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a



*mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”*

(emphasis supplied)

10. Keeping in view the nature of the dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

11. However, keeping in mind the fact that the charge sheets have already been filed in the case arising out of the present cross-FIRs, and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

12. In view of the above, cross-FIR Nos. 385/2014 and 384/2014 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹10,000/- by each petitioners in each petition, to be deposited with the Delhi Police Welfare Society within a period of twelve weeks from the date.

13. Let the proof of deposit of cost be submitted with the concerned SHO.

14. The present petitions are allowed in the aforesaid terms.

15. A copy of this order be placed in both the matters.

**AMIT MAHAJAN, J**

**AUGUST 23, 2024**

*‘Aman’*