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

+ **CRL.M.C. 263/2025 & CRL.M.A. 1354/2025**

JYOTI MANN

.....Petitioner

Through: Mr. Birender Sangwan, Mr. Chiraayu
Trehan, Ms. Manisha, Advocates with
Petitioner in person

versus

THE STATE (NCT OF DELHI) AND ANR & ANR.

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Arpit, PS Daryaganj
Complainant in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.05.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 172/2020 under Sections 279, 337 of the Indian Penal Code, 1860³, registered at P.S. Daryaganj and all proceedings emanating therefrom.

2. Briefly, the case of the Prosecution against the Petitioner is that a compliant was received by the Complainant (Respondent No. 2), alleging that on 1st September 2020, while the Complainant was riding his motorcycle towards Model Town and taking a turn from Rajghat red light

¹ "BNSS"

² "Cr.P.C."

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towards Shantivan, he was hit from the side by a car driven negligently and carelessly by the Petitioner. As a result, he fell along with his bike. The Petitioner then stopped the car, approached the Complainant, stated that he had not sustained serious injuries, and called the PCR. This incident led to the registration of the present FIR.

3. The Petitioner states that Respondent No. 2 has amicably resolved the dispute with her, and has decided not to pursue the present FIR against her. Pursuant to this settlement, a Settlement Deed dated 16th March 2024, was executed between the Petitioner and Respondent No. 2 before the Delhi Mediation Centre, Tis Hazari Court Delhi.

4. A copy of the Settlement Deed has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 70,000/- to Respondent No. 2 as final settlement amount.

5. During the course of the present proceedings, the statement of Respondent No. 2 (the Complainant) was recorded before the Joint Registrar of this Court on 24th April, 2025, wherein he confirmed that he has voluntarily and without any pressure or coercion from anyone, settled all his issues and disputes with the Petitioner. He stated that he has executed the settlement deed with the Petitioner out of his own free will, and has no objection if the impugned FIR is quashed.

6. In view of the settlement, the Complainant, who has appeared before the Court in person and is identified by the IO and his counsel, has

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unequivocally stated that he does not wish to pursue the FIR proceedings. He has further confirmed the receipt of the full and final settlement amount of INR 70,000/- from the Petitioner, and a further sum of INR 60,000/- in the proceedings under the MACT Act. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 279 of IPC is non-compoundable, Section 337 is compoundable by the person to whom hurt is caused, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁴ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

[Emphasis added]

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the Supreme Court held as follows:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466

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“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]

8. Although the offence under Section 279 of the IPC cannot be treated as strictly ‘*in personam*’, and it touches upon public concerns rather than

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being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

9. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioner is put to cost.

10. In view of the foregoing, the present petition is allowed and FIR No. 172/2020 under Sections 279, 337 of IPC registered at P.S. Daryaganj and all proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 7,500/- to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned SHO.

11. The parties shall remain bound by the terms of settlement.

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12. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

MAY 15, 2025/ab

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