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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 250/2025 & CRL.M.As. 2126-2127/2025**
SACHINPetitioner

Through: *Appearance not given.*

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC
(Criminal) with Mr. Alok Sharma,
Ms. Jyotsana Pandit and Mr. Mohit
Raj Nagar, Advocates for State.
SI Sanjeev Lehr, P.S. Kalindi Kunj.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.03.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks quashing of FIR No. 379/2024 dated 19th October, 2024 under Sections 309(6), 311, 351(2), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023² as well as Section 25 of the Arms Act, 1959³, registered at P.S. Kalandi Kunj as well as all proceedings emanating therefrom, against the Petitioner.

2. Briefly, the case of the prosecution against the Petitioner is that on 19th October, 2024, the Complainant (Respondent No. 2), a fruit seller was

¹ "BNSS"

² "BNS"



pushing his cart near the Hanuman Mandir, J.J. Colony, Madanpur Khadar at around 2:15 P.M. when he was attacked by the Petitioner, whom he already knew, and another person. The Complainant stated that as he was passing by the house of the Petitioner, the co-accused came up behind him and throttled his neck, while the Petitioner took out a knife from his pocket and placed it on the complainant's neck. Thereafter, the Complainant was beaten up by the accused persons and approximately INR 10,000/- was forcibly taken from his pocket. Furthermore, the accused persons threatened the Complainant that they would kill him if he informed the police of the incident. Subsequently, due to throttling of his neck, the Complainant lost consciousness and fell on the road. Once he regained consciousness, the Complainant called the police and his statement was recorded, pursuant to which the present FIR was registered. During investigation, the co-accused was identified, however since he is a minor, separate proceedings were initiated *qua* him under the Juvenile Justice Act.

3. The parties state that, on 9th January, 2025, with the intervention of common friends, well-wishers and other respectable persons, Respondent No. 2 (the Complainant) amicably resolved the dispute with the Petitioner and decided not to pursue the present FIR against the Petitioner. In this regard, the Petitioner states that compensation of INR 10,000/- has been paid to Respondent No. 2. Thus, in view of the amiable settlement, a Memorandum of Understanding⁴ dated 9th January, 2025, has been executed between the Petitioner and Respondent No. 2. A copy of the said MoU has been placed on record and is perused by the Court.

³ "Arms Act"

⁴ "MoU"



4. As per the terms of the said MoU, Respondent No. 2 (the Complainant) has resolved all disputes and differences with the Petitioners and has agreed to give his no-objection to the quashing of the present FIR as he does not wish to pursue the case in light of the settlement between the parties. In this regard, Respondent No. 2 has also given an undertaking on affidavit that the FIR was registered due to confusion and misunderstanding and since the matter has been settled between the parties as per the MoU dated 9th January, 2025, Respondent No. 2 has no objection if the said FIR is quashed since he does not wish to pursue legal proceedings against the Petitioner. In the said affidavit, Respondent No. 2 has also confirmed the receipt of INR 10,000/- as compensation from the Petitioner.

5. In view of the settlement and the categorical undertaking given by Respondent No. 2 (the Complainant) in the affidavit wherein he has unequivocally stated that he does not wish to pursue the present FIR, the Petitioner seeks quashing of the FIR and all proceedings arising therefrom. The Petitioner is present before the Court in person and has been duly identified by the Investigating Officer.

6. Mr. Yasir Rauf Ansari, ASC for the State, points out that the proceedings initiated pursuant to the present FIR, are at a nascent stage and even the chargesheet in the present case has not been filed. However, he points out that there was a non-bailable warrant issued against the Petitioner by the Trial Court.

7. The Court has considered the submissions of the parties. While the offences under Sections 309(6), 311 and 61(2) of the BNS are non-compoundable, Sections 351(2) and 351(3) of BNS are compoundable. It is well settled that in the exercise of its inherent powers under Section 482 of



CrPC (now Section 582 of 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.***⁵ 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 an exercise in futility.”

[Emphasis added]

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁶ the Supreme Court held as follows:

“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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. While it is true that the offences under Section 309(6), 311 and 61(2) of the BNS are not offences in *personam*, meaning thereby that they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since, in the present case, the Complainant has entered into a voluntary and genuine settlement, and is unwilling to pursue the case further, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the subject FIR to continue would serve no



useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 582 of BNSS.

10. However, since the State machinery was set in motion based on the subject FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 2,500/- with the Delhi Police Welfare Fund.

11. In view of the foregoing, the present petition is allowed FIR No. 379/2024 dated 19th October, 2024 under Sections 309(6), 311, 351(2), 351(3) and 61(2) of the BNS as well as Section 25 of the Arms Act, registered at P.S. Kalandi Kunj, as well as all consequential proceedings arising therefrom are hereby quashed *qua* the Petitioner.

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

13. Accordingly, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

MARCH 17, 2025/as