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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 625/2025 & CRL.M.As. 2992/2025, 2993/2025**
SUDHEER MENONPetitioner

Through: Mr. Satya Bhushan, Advocate with
Petitioner through VC.

versus

STATE GNCT OF DELHI AND ANRRespondents
Through: Mr. Hemant Mehla, APP for State.
SI Rohit Teotia, P.S. South Avenue
and SI Balasaheb, P.S. Barakhamba
Road.
Mr. Sonu Aggarwal, Advocate for R-
2 with Mr. Jeetendra Lamba,
Respondent No. 2 (through VC)

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.04.2025

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1. The present petition filed 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. 56/2021 under Section 279 of the Indian Penal Code, 1860³, registered at P.S. South Avenue and all proceedings emanating therefrom. The chargesheet in this case stands filed, and the trial is presently ongoing before the MM, Patiala House Court, New Delhi.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2. The request for quashing of the FIR is made in light of the amicable settlement reached between the Petitioner and Respondent No. 2, as evidenced by Certificate of Settlement/ Compromise dated 27th January, 2025 pursuant to the verbal mutual settlement arrived on 23rd December, 2024.

3. Briefly, the case of the Prosecution is that on 9th November, 2021, the Complainant was driving his car when, near a roundabout, the driver of a red-coloured Maruti car, bearing registration number PB65H8703, drove his vehicle in a reckless, speedy, and negligent manner, subsequently colliding with the Complainant's car from behind on the driver's side and causing damage to his vehicle. Despite the Complainant's attempt to halt the driver of the offending vehicle, the latter allegedly fled the scene. This resulted in the registration of the impugned FIR. Subsequent investigation revealed that the vehicle in question was registered under the name of Commander Sudheer J. Menon, the present Petitioner. As a result, the Petitioner was charge-sheeted under Section 279 IPC.

4. The Petitioner states that with the intervention of common friends and well-wishers, the parties have amicably resolved the dispute on 23rd December, 2024, and that Respondent No. 2 has decided not to pursue the present FIR against the Petitioners.

5. Before the Joint Registrar, on 21st March, 2025, Respondent No. 2 affirmed that he has, voluntarily and without any pressure or coercion, resolved all issues and disputes with the Petitioner, and also given his affidavit/ NOC for quashing of the impugned FIR. The said affidavit is annexed as Annexure P-5 to the petition.

6. The Complainant, who appears before the Court *via* video



conferencing, states that he does not wish to pursue the FIR proceedings. Additionally, the Petitioner, who also joins through video conferencing, has been duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 279 IPC is non-compoundable, 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 an exercise in futility.”

[Emphasis added]

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

“29. In view of the aforesaid discussion, we sum up and lay down the

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

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

10. In view of the foregoing, the present petition is allowed and FIR No. 56/2021 under Section 279 of the Indian Penal Code, 1860⁶, registered at P.S. South Avenue, as well as all consequential proceedings arising therefrom are hereby quashed.

11. In consideration of the fact that one party holds a position within the Delhi Police and the other within the Indian Navy, and taking into account their respective official designations, the Court has decided not to impose any costs on them.

⁶ “IPC”



12. In view of the above, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

APRIL 2, 2025

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