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

+ **W.P.(CRL) 401/2025**

SH INTZAR & ANR.

.....Petitioners

Through: Mr. Harendra Singh, Mr. Kumar
Dharmendra, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State
with Mr. Mathew M. Philip, Mr.
Sangeet Sibou, Mr. Aniket Kumar
Singh, Advocates with SI
Shubhanshu, PS Kalyanpuri
Mr. M.C. Sharma, Advocate with
Respondents in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.05.2025

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1. The present petition filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of Criminal Procedure Code, 1973²) seeks quashing of FIR No. 14/2025 dated 2nd January, 2025³, registered under Sections 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023⁴ at P.S. Kalyanpuri.
2. FIR No. 14/2025 was filed against 2 accused persons, namely Intzar and Juned (the present Petitioners), on a complaint filed by Imran (present

¹ "BNSS"

² "CrPC"

³ "impugned FIR"

⁴ "BNS"



Respondent No. 2. Briefly stated, the case of the Complainant/Respondent No. 2 – Imran in FIR No. 14/2025 is that on 1st January, 2025, at about 08:00 PM, he was approached by the Petitioners while he was warming his hands over a fire, near Puliya/Culvert of the 21st Block of Kalyanpuri, Delhi. It is alleged that Petitioner No. 1, who was visibly drunk, started abusing the Complainant. When the Complainant tried to stop him, he was first hit with a sharp object on his neck, and then with a stone on his left hand, after which he started bleeding. The Complainant freed himself from the accused persons and ran away. He then called the police, who admitted him in LBS and later on, his MLC report was also obtained. On the basis of the Complainant's statement and the MLC report, the offence under Section 118(1) and 3(5) of BNS was registered at P.S. Kalyanpuri.

3. Pertinently, a cross FIR No. 13/2025 was filed by the Petitioner No. 1 - Intzar, against 3 accused persons namely Farman, Faisal and Sazid, who are all close associates of the Complainant Imran. In said FIR, it is stated that on 1st January, 2025, Petitioner No. 1 had gone to drop his sister-in-law at Kondali. On his way home, he got down at Shiv Mandir, near Puliya/Culvert of the 21st Block of Kalyanpuri, Delhi when suddenly, at around 8:30 PM, three accused persons namely Farman, Faizal and Sazid, intercepted him and Farman started abusing and slapping him. Then, while Faisal and Sazid grabbed him, Farman took out a knife and stabbed Petitioner No. 1 near his waist, left arm and right knee. Resultantly, he fell down bleeding and the three accused ran away. Subsequently, his brother Juned spotted him and admitted him to LBS. On 2nd January, 2025, based on Petitioner No. 1's complaint, cross FIR No. 13/2025 was registered.

4. The present petition is filed on the ground that the matter is amicably



settled between the parties on their own free will, without any coercion, pressure or undue influence and a Settlement Deed dated 17th January, 2025, has been executed by the Petitioners and Respondent No. 2. As per the terms of the settlement, the parties have settled their disputes with the intervention of their respective family members and friends, without any monetary consideration. Both the parties have agreed to withdraw all proceedings pending before various Courts. Additionally, the parties have orally submitted that in pursuance of Settlement Deed dated 17th January, 2015, cross FIR No.13/2025 has already been quashed, and the same is confirmed by the IO. In light of the same, present Petitioner requests that FIR No. 14/2025 be quashed as well.

5. On 1st May, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar wherein he verified that the matter has been amicably settled between the parties, without any pressure or coercion, and the parties have entered into the Settlement Deed dated 17th January, 2025. The Respondent No. 2 also stated his no objection to the quashing of the impugned FIR. Additionally, on that day, the statement of the concerned IO namely, SI Soran Singh, was also recorded before the Joint Registrar wherein he stated that only Petitioner No. 1 has a previous involvement in case FIR No. 352/2020, registered under Sections 324 and 34 of IPC, at P.S. Kalyanpuri. Further, he stated that as per the opinion of MLC Report, the Complainant Imran has suffered only simple injuries.

6. Respondent No. 2, who is present before the Court in person and has been identified by the concerned IO, confirms the Settlement Agreement before this Court and states that he has no objection to the quashing of the impugned FIR. An Affidavit cum No Objection Certificate to this effect has



been further placed on record. He further confirms that he has taken the decision to settle the disputes voluntarily and out of his free will. Moreover, both Petitioners are also present before the Court and are identified by the IO. In light of the amicable settlement between the parties, the Petitioners pray that the impugned FIR be quashed.

7. The Court has considered the aforementioned facts and submissions of the parties. Notably, the offence under Section 118(1) of BNS is non-compoundable. However, the Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁵ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

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:

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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. ”

[Emphasis Supplied]

9. Applying the principles laid down in the above decisions, this Court notes that while the offence under Section 118(1) of BNS is non-compoundable, the inherent power under Section 528 of BNSS allows this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

10. While it is true that such an offence is not an offence in *personam*, meaning 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 the Complainant has entered into a voluntary and genuine settlement, and is unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned 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 528 of BNSS.

11. However, since the State machinery was set in motion based on the impugned FIR, the ends of justice would be served if the Petitioners are put to cost.

12. In view of the foregoing, the present petition is allowed and FIR No. 14/2025 dated 2nd January, 2025, registered under Sections 118(1) and 3(5) of BNS at P.S. Kalyanpuri as well as all consequential proceedings emanating therefrom are quashed, subject to a payment of a cost of INR 5,000/- by each of the Petitioners 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.

13. It is expected that the parties shall abide by the terms of settlement.

14. Accordingly, the petition is disposed of.

15. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

MAY 9, 2025/ab