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

+ CRL.M.C. 826/2025

ANKIT KUMAR AND ORS.

.....Petitioners

Through: Mr. Akshay Panwar, Adv.

versus

STATE OF NCT OF DELHI THROUGH SHO PS HARI NAGAR
DELHI & ORS.

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.

SI Anup Rana and SI Kulbir, PS Hari
Nagar.

Ms. Annu Yadav, Advocate for
Respondents.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.05.2025

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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. 419/2024³ dated 3rd October, 2024, registered under Sections 118(1), 126(2), 332(c) and 3(5) of the Bharatiya Nyaya Sanhita, 2023⁴, at P.S. Hari Nagar, Delhi and all proceedings emanating therefrom.

2. The present FIR was lodged by Firoz (Respondent No. 3) as a response to FIR No. 418/2024, registered on the same day at the same police station, on the basis of a complaint made by Petitioner No. 1 – Ankit Kumar.

¹ “BNSS”

² “CrPC”

³ “impugned FIR”

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The offences alleged in both FIRs pertain to an altercation that occurred in the early hours of 3rd October, 2024, and both sets of allegations.

3. As per the allegations made by the complainant Firoz in FIR No. 419/2024, at around 1:00 a.m. on the date in question, three individuals, allegedly intoxicated, arrived at Sandoz Restaurant on Jail Road, Hari Nagar, Delhi. On experiencing a minor delay in service, the individuals allegedly began to verbally abuse the restaurant staff. When the staff attempted to pacify them, the situation escalated into a physical altercation. Lovepreet (Respondent No. 4), a security guard employed at the restaurant, is said to have intervened, only to be physically assaulted along with other staff members using metallic belt buckles. Firoz, who was working in the kitchen, claims that when he emerged to assess the situation, he too was assaulted and struck on the head with a buckle, causing a bleeding injury. Following initial treatment at Mata Chandan Devi Hospital, he proceeded to P.S. Hari Nagar to lodge the complaint.

4. Conversely, in FIR No. 418/2024 – Ankit Kumar (Petitioner No.1), alleges that he, along with Petitioners No. 2 and 3, had visited the same restaurant at approximately 12:40 a.m. When they raised an objection about stale bread being served, the waiter acknowledged the issue and assured replacement. However, instead of resolving the concern, a member of the restaurant staff is alleged to have approached the Petitioners aggressively, leading to a heated argument that soon turned violent. Ankit Kumar alleges that he sustained a bite on his left arm and a head injury, while Vimal Kumar and Nitin Nayyar also received injuries during the scuffle. Following medical treatment at DDU Hospital, they proceeded to file a complaint,



which resulted in FIR No. 418/2024.

5. The present petition is filed on the ground that during pendency of the matters before the Trial Court, the Petitioner and Respondent Nos. 2 to 4 have amicably settled all their disputes and have entered into a Settlement Agreement dated 4th December, 2024. A copy of the Settlement Agreement has been placed on record and perused by the Court. In terms of the settlement, the parties have mutually agreed to put an end to all pending criminal proceedings arising from the incident in question, including FIR No. 418/2024 and FIR No. 419/2024. Affidavits to this effect have been duly brought on record. It has been brought to the notice of this Court that Respondent Nos. 2 to 4 have also moved another petition for quashing of FIR No. 418/2024, which is pending consideration before a different bench of this Court.

6. On 7th February, 2025, the statement of Respondent Nos. 2 and 4 was recorded before the Joint Registrar where they verified that the matter has been amicably settled between the parties, without any force, coercion, undue influence and pressure. Later, on 25th April, 2025, the statement of Respondent No. 3 was also recorded before the Joint Registrar to the same effect.

7. Respondent Nos. 2 to 4, who are present before the Court and have been identified by the IO, confirm the Settlement Agreement before the Court and give their no objection to the quashing of the impugned FIR. The parties confirm that the decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioners have also joined the proceedings in person and are duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the

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Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

8. The Court has considered the submissions of the parties. While the offences under Sections 118(1) and 126(2) of BNS are non-compoundable while Section 332(c) of BNS is compoundable. It is well settled that in the exercise of its inherent powers under Section 582 BNSS (earlier Section 482 CrPC), 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 exercise in futility.”

[Emphasis added]

9. 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

10. Although the offence under Sections 118(1) and 126(2) of BNS 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 her 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 582 of BNSS to secure the ends of justice.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund.

12. In view of the foregoing, the present petition is allowed and FIR No.419/2024 dated 3rd October, 2024, registered under Sections 118(1), 126(2), 332(c) and 3(5) of BNS, at P.S. Hari Nagar, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 21, 2025/akc

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