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

+ W.P.(CRL) 437/2025 & CRL.M.A. 3933/2025

MUKUL YADAV AND ORS.

.....Petitioners

Through: Mr. Rakesh Chahar, Ms. Sumiti Mann, Mr. Sushant Dahiya, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel with Mr. Abhinav Kumar, Mr. Aryan Sachdeva, Ms. Priyam Agrawal, Advocates with SI Komal, PS Subhash Place
Mr. Jayant Kaushik, Mr. Neeraj Kaushik, Advocates for R-2 to R-7

+ W.P.(CRL) 499/2025 & CRL.M.A. 4444/2025

SATYA DEV SHARMA AND ORS.

.....Petitioners

Through: Mr. Jayant Kaushik, Mr. Neeraj Kaushik, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel with Mr. Abhinav Kumar, Mr. Aryan Sachdeva, Ms. Priyam Agrawal, Advocates with SI Komal, PS Subhash Place
Mr. Rakesh Chahar, Ms. Sumiti Mann, Mr. Sushant Dahiya,



Advocates for Complainant

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
27.05.2025

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1. The present petitions under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Criminal Procedure Code, 1973²), seek quashing of the two FIRs, the details of which are as follows:

(i) W.P.(CRL) 437/2025 - FIR No. 813/2024 dated 5th December, 2024, registered under Sections 74, 75, 115(2), 126(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³, and Section 10 of the Protection of Children from Sexual Offences Act, 2012⁴, at P.S. Subhash Place, Delhi against accused persons Mukul Yadav, Vansh Yadav, Hardik Yadav, Akash Yadav, Shivam Parihar and Suraj Swami; and

(ii) W.P.(CRL) 499/2025 - FIR No. 814/2024 dated 5th December, 2024, registered under Sections 74, 75, 79, 351(2) and 3(5) of the BNS, at P.S. Subhash Place, Delhi against accused persons Satya Dev Sharma, Pradeep Sharma and Sudhir Sharma.

2. The FIR No. 813/2024 dated 5th December, 2025, has been registered on the basis of a complaint filed by minor Ms. 'A' [Respondent No. 2 in W.P.(CRL.) 437/2025]. The cross FIR No. 814/2024 has been registered on the basis of a complaint filed by Ms. 'P' [Respondent No. 2 in W.P.(CRL.) 499/2025].

¹ "BNSS"

² "CrPC"

³ "BNS"



3. As per the allegations recorded in FIR No. 813/2024, the incident occurred on the night of 4th December, 2024, at around 10:25 PM. Ms. A's uncle, Pradeep Sharma, came home distressed stating that while he was parking his car, he had been assaulted by some individuals who were sitting in an XUV. The Complainant, then, along with her sister, aunt, and mother, accompanied by her uncle Sudhir Sharma, went outside to ascertain the situation. It is alleged that when the Complainant and her family members reached the spot, and her aunt tried to intervene, one Mukul Yadav slapped her and struck the Complainant on her chest with wrongful intent. Thereafter, one Vansh Yadav brought a hockey stick and punched the Complainant on her chest, also with wrongful intent. The Complainant's sister was assaulted in a similar manner. It is further alleged that during the scuffle, Mukul and Hardik Yadav attacked the Complainant's aunt, broke Pradeep Sharma's glasses and hit Sudhir Sharma in the stomach with a hockey stick. Despite repeated requests to stop the scuffle, the accused persons allegedly continued to assault and threaten the victims. Based on the complaint lodged by minor Ms. A, FIR No. 813/2024 was registered on the following day, i.e., 5th December, 2024.

4. According to the version of the Complainant, Ms. P, as recorded in FIR No. 814/2024, the incident in question occurred on 4th December, 2024, at approximately 10:30 PM. She states that upon returning home from a social function accompanied by her relatives, a dispute arose when some of her relatives, while preparing to leave for their residence in Gurgaon, found their vehicle obstructed in the parking area by another car. It is alleged that three individuals, namely Satya Dev, Pradeep, and Sudhir Sharma emerged

⁴ "POCSO"



from the said vehicle and began quarrelling with the Complainant and her family members. The altercation soon escalated into a physical confrontation. The Complainant further alleges that Satya Dev, who appeared to be under the influence of alcohol and purportedly identified himself as a police officer, inappropriately pressed her chest during the scuffle, while Sudhir and Pradeep allegedly touched her hips in a similarly inappropriate manner. She claims that she and her relatives managed to flee the scene and took shelter inside her house, where they locked themselves in, while the accused individuals allegedly continued to hurl abuses and pelt stones at the residence. The following day, acting on her complaint, the present FIR came to be registered.

5. In both FIRs, charge sheets have already been filed against the respective accused persons, and the matters presently stand at the stage of consideration on charge before the Trial Court. The Petitioners, who are the accused in these proceedings, submit that during the pendency of the trial, they have resolved their disputes amicably. In support of this submission, reliance is placed on a Memorandum of Understanding dated 6th January, 2025, executed between the parties. It is affirmed therein that the parties have voluntarily and without any coercion, pressure, or undue influence agreed to put the matter to rest. It is further asserted that since the parties are neighbours residing in close proximity, the settlement was arrived at with a view to preserving peace and fostering cordial relations in the neighbourhood.

6. In view of this settlement, the Complainants have expressed their unequivocal intent not to pursue the proceedings and have voluntarily agreed to quash both the FIRs. The Affidavits/No Objection Certificates of



minor Ms. A, through her legal guardian, as well of all the other concerned Respondents in W.P.(CRL) 437/2025 and W.P.(CRL) 499/2025, in support of quashing of the impugned FIRs, have been duly placed on the record and perused by the Court.

7. In W.P.(CRL) 437/2025, a joint statement of the Respondents including that of the mother of the minor was recorded before the Joint Registrar on 13th May, 2025. The parties confirmed that the dispute had been amicably resolved, without any inducement, pressure, or monetary consideration. It was further affirmed that no grievous or dangerous injuries had been sustained by any party in the course of the alleged incident. The parties jointly requested that the statement of Respondent No. 2, minor Ms. A, be treated as a no-objection to the quashing of the FIR in question.

8. Similarly, in W.P.(CRL) 499/2025, the statement of Respondent No. 2, Ms. 'P', was recorded before the Joint Registrar on the same date. She too confirmed that the matter stood resolved amicably, voluntarily, and without any form of coercion or financial settlement. She further stated that no grievous or dangerous injuries were sustained by either side during the alleged incident.

9. Considering that the complainant in W.P.(CRL) 437/2025 is a minor, this Court thought it necessary to interact with Ms. A, who was present in Court, to ascertain the context and circumstances under which the FIR came to be registered. Similar interaction was also undertaken with her sister and maternal aunt, as well as the complainant in W.P.(CRL) 499/2025, all of whom were present in person and had made allegations of sexual assault. Upon being heard, they stated that during the course of a physical altercation, certain acts, which involved physical contact with their bodies,



were misinterpreted by them, at the time, as amounting to sexual assault. However, upon reflection, they now believe that such contact was not accompanied by any malicious or motivated intent. The complainants have unequivocally expressed that they do not wish to pursue the cases any further, as continuation of the proceedings would cause them avoidable emotional distress.

10. The Complainants, who are present in Court, have affirmed the terms of settlement and expressed their unequivocal consent to the quashing of the FIRs. They have further clarified that the decision to resolve the disputes was taken voluntarily and without any compulsion or pressure.

11. The Court has considered the submissions of the parties. Notably, the offences under Sections 74 and 75 of BNS as well Section 10 of POCSO are non-compoundable while the offence under Section 351(2) of BNS is non-compoundable in certain cases. Also, Section 79 of BNS is compoundable with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (earlier Section 482 of 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 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

⁵ (2012) 10 SCC 303



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.”

12. 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 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]

12. Although, the offences as alleged in the impugned FIRs cannot be treated as strictly ‘*in personam*’, and they touch 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

⁶ (2014) 6 SCC 466



misunderstanding leading to the lodging of the impugned FIRs has been explained. 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 Complainants who live in the same neighbourhood have categorically expressed their 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. Closure to the impugned proceedings would only restore peace and harmony. 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 528 of BNSS to secure the ends of justice.

13. However, bearing in mind that the State machinery was set in motion pursuant to the registration of the impugned FIRs, this Court considers it appropriate to impose costs on each of the Petitioners. Accordingly, each Petitioner in W.P.(CRL) 437/2025 and W.P.(CRL) 499/2025 shall deposit a sum of ₹5,000/- with the Delhi Police Welfare Fund, as a token measure towards compensating the State for the time and resources expended in the process. Proof of such deposit shall be furnished to the concerned Station House Officer (SHO) within a period of three weeks from today.

14. In view of the foregoing, subject to above, the impugned FIRs in



W.P.(CRL) 437/2025 and W.P.(CRL) 499/2025, as well as all consequential proceedings emanating therefrom, are hereby quashed. It is expected that the parties shall abide by the terms of settlement.

15. Accordingly, the petitions are disposed of.

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

SANJEEV NARULA, J

MAY 27, 2025/ab