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

+ CRL.M.C. 892/2025, CRL.M.A. 4108/2025

VARUN TANWAR

.....Petitioner

Through: Mr. Ankit Attree, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Anup Rana, SI and
Mr. Kulbir, SI, PS-Hari Nagar.
Mr. Samarth Bhutani, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.05.2025**

1. The present petition has been filed seeking quashing of FIR No. 387/2023 dated 20th September, 2023 registered at Police Station Hari Nagar for offences under Sections 356/379/411 of the Indian Penal Code, 1860,¹ as well as all consequential proceedings emanating therefrom. This request is made in light of the amicable settlement reached between the parties, as evidenced by the Memorandum of Understanding/ Agreement of Settlement executed on 23rd January, 2025 between the Petitioner and Respondent No.2/ Complainant. A copy of the aforementioned Settlement Agreement has been duly placed on record.

2. As per the FIR, when Respondent No.2 was exiting the Tilak Nagar

¹ "IPC"

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Metro Station, the Petitioner allegedly snatched her purse and attempted to run away. However, the Petitioner was subsequently apprehended by Respondent No.2 and other bystanders. Consequently, based on the Complainant's statement, the subject FIR was registered on 20th September, 2023 under Sections 356/379/411 of the IPC. The chargesheet has been filed and charges have been framed under Sections 356/379/411 of the IPC.

3. The parties state that, with the intervention of relatives and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding dated 23rd January, 2025, was executed between the Petitioner and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 35,000/- to Respondent No. 2 as final settlement amount.

5. During the course of the present proceedings, the statement of Mr. Samarth Bhutani, counsel for Respondent No. 2 (the Complainant), was recorded before the Joint Registrar of this Court on 8th May, 2025, wherein he, on instructions, confirmed that Respondent No.2 has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the Petitioner. He stated that Respondent No.2 has executed the MoU with the Petitioner out of her own free will and identified her signatures on the MoU. He confirmed the receipt of the payment of INR

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35,000/- given to Respondent No.2 by the Petitioner and confirmed that Respondent No.2 does not wish to pursue the subject FIR and has no objection if the same is quashed.

6. In view of the settlement, the Complainant, who has appeared before the Court *via* video conferencing and is identified by her counsel and the Investigating Officer, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. She has further confirmed the receipt of the full and final settlement amount from the Petitioner, as per the terms of the MoU executed between them. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Sections 379 and 411 of IPC are compoundable by the person whose property is stolen, offence under Section 356 of 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.***² 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

² (2012) 10 SCC 303



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]*

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,³ 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. 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

³ (2014) 6 SCC 466



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 356 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 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 482 of the Cr.P.C. to secure the ends of justice.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 3,000/- with the Delhi State Legal Services Authority.

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11. In view of the foregoing, the present petition is allowed FIR No. 387/2023 dated 20th September, 2023 registered at Police Station Hari Nagar for offences under Sections 356/379/411 of the IPC, as well as all consequential proceedings arising therefrom are hereby quashed.
12. The parties shall remain bound by the terms of settlement.
13. Accordingly, the petition is disposed of along with pending application(s).
14. Accordingly, the petition is disposed of.
15. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MAY 21, 2025

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