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

+ **CRL.M.C. 1098/2025 & CRL.M.A. 5030/2025**

TIKAM SINGH & ORS.

.....Petitioner

Through: Mr. Shiv Kumar Gautam and Mr.
Gopal Agonia, Advocates along with
the petitioners

versus

STATE OF GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Raghuinder Verma, APP for
State with SI Sukhchain, P.S. Nihal
Vihar
Mr. Vikas Azad and Mr. Bhupendra
Prakash, Advocates for R-2 to R-4

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

21.02.2025

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CRL.M.A. 5029/2025 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 1098/2025

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") read with Article 227 of the Constitution of India has been filed on behalf of the petitioners seeking quashing of FIR bearing No. 109/2025 registered at Police Station - Nihal Vihar, Delhi for the offences punishable under Sections 110/333/115(2)/324(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").



2. The Joint Registrar (Judicial) *vide* order dated 19th February, 2025 has verified the facts and details of the instant matter.
3. The brief facts of the case are that a quarrel broke out between the petitioners and respondent no. 2 to 4, wherein, the said respondents were allegedly physically assaulted by the petitioners. Accordingly, the instant FIR was registered against the petitioners.
4. Learned counsel for the petitioners submitted that the aforesaid FIR was filed by the respondent no. 4/complainant against the petitioners and a cross FIR bearing no. 110/2025 was filed by the petitioner no. 4 against the respondent no. 2 to 4. It is further submitted that the petitioner no. 4 has been in judicial custody in the instant FIR.
5. It is submitted that with the intervention of friends, relatives and respective members of society, the parties have now entered into settlement *vide* Settlement Deed dated 6th February, 2025. The terms and conditions of the said settlement are mentioned in the said Settlement Deed which is annexed as Annexure-5 to the instant petition.
6. Therefore, it is prayed that the instant FIR may be quashed on the basis of the settlement arrived at between the parties and in accordance with the settled position of law as posited by the Hon'ble Supreme Court.
7. Mr. Raghuinder Verma, APP, learned APP for the State submitted that there is no objection to the prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings emanating therefrom in view of the settlement arrived at between the parties.
8. Heard learned counsel for the parties and perused the record.



9. The petitioners no. 1 to 3 are present before this Court and the petitioner no. 4 is represented by Pairokar as he is in judicial custody. They have been identified by the Investigating Officer (hereinafter “IO”) and their counsel, Mr. Shiv Kumar Gautam, Advocate. The respondents no. 3 and 4 are also present before this Court and respondent no. 2 is represented by Pairokar as he is in judicial custody. They have been identified by their counsel Mr. Vikas Azad, Advocate and the IO.

10. On the query made by this Court, the respondents no. 3 and 4, along with respondent no. 2’s Pairokar have categorically stated that they have entered into compromise on their own free will and without any pressure and therefore, they do not wish to pursue this matter any further.

11. The parties present before this Court alongwith the Pairokars of petitioner no. 4 and respondent no. 2 also undertook that they shall abide by all the terms and conditions of the Settlement Deed arrived at between the parties. Furthermore, the petitioners have undertaken that they shall not repeat such conduct, which led to the registration of the present FIR.

12. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a Settlement Deed between the victims and accused persons. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by the victim on his own free will and has not been imposed upon him by the accused or any person related to the accused.

13. In the present case, the Pairokar of the complainant/respondent no. 2 is present in-person before this Court and has categorically stated that the



respondent no. 2 along with respondent no. 3 and 4 has entered into compromise and settled the entire dispute amicably with the petitioners by his own free will without any pressure or coercion.

14. In the case of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, the Hon'ble Supreme Court laid down detailed guidelines for quashing a criminal proceeding under its inherent power conferred in Section 482 of the Code of Criminal Procedure, 1973 on the basis of a settlement arrived at between the parties. It was held that the guiding factors in such cases would be to secure the ends of justice and to prevent the abuse of process of the Court.

15. Applying the aforesaid principle laid down by the Hon'ble Supreme Court, a Coordinate Bench of this Court in *Paramjeet Singh v. State (NCT of Delhi)*, 2015 SCC OnLine Del 14296, quashed an FIR and proceedings under Section 308/341/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and held that even though an offence punishable under Section 308 of the IPC (Section 110 of the BNS) is not compoundable, it is the discretion of the Court to exercise its jurisdiction in the interest of justice when a dispute has been settled between the parties and peace has been restored as it is the duty of the Court to prevent continuation of such unnecessary judicial process.

16. Adverting to the facts of the matter at hand, it is observed that the parties have reached on settlement and amicably settled the entire disputes without any pressure, as stated by the Pairokar of the complainant/respondent no. 2 present before this Court and the other respondents who are present in person. Furthermore, the respondent nos. 2 to 4 have also filed an affidavit stating that they have no objection if the



instant FIR is quashed. The said affidavits are appended as Annexure - P6 to the instant petition.

17. In view of the settlement arrived at between the parties, undertaking given by the petitioners, affidavit of the respondent no. 2 to 4 stating no objection and the law laid down by the Hon'ble Supreme Court, the present petition is allowed and the FIR bearing No. 109/2025 registered at Police Station - Nihal Vihar, Delhi for the offences punishable under Sections 110/333/115(2)/324(4)/3(5) of the BNS and all the consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 15,000/- in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks. The payment receipt of the aforesaid cost shall be furnished before the IO as well as the Registry of this Court within a period of two weeks.

18. It is further directed that Mr. Manoj i.e., petitioner no. 4 herein, who was arrested in the instant FIR, shall be released forthwith if not arrested in any other criminal case.

19. With the aforesaid directions, the instant petition is disposed of, alongwith the pending applications, if any.

20. Copy of this order be sent to the concerned Jail Superintendent/Investigation Officer/Court concerned for compliance.

CHANDRA DHARI SINGH, J

FEBRUARY 21, 2025
gs/mk/ryp

Click here to check corrigendum, if any