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

+ **CRL.M.C. 1109/2025**

JAGJIT SINGH SURI

.....Petitioner

Through: Mr. Ananay Chopra, Mr. Shashwat Jena, Advocate with petitioner in person

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Laksh Khanna, APP for the State with SI Akash Sharma, P.S. Mahendra Park.
Mr. Aditya Joshi, Advocate with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.02.2025

1. This petition has been filed seeking the following relief: -

“ a) It is, therefore, most humbly and respectfully prayed that this Hon'ble Court be pleased to Quash the criminal proceedings arising out of FIR No. 883/2022 dt. 13/07/2022, under section- 338 of the Indian Penal Code, at P.S. Mahendra Park, in the interest of justice.”

2. By way of the present petition filed under Section 482 of Code of Criminal Procedure, 1972 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of case FIR No. 883/2022 registered under Section 338 of Indian Penal Code, 1860 (IPC) registered at P.S.- Mahendra Park, Delhi.

3. In light of the practice directions dated 24.12.2024 in relation to



dealing with the petitions seeking quashing of FIR based on compromise, the learned Joint Registrar (Judicial) vide order dated 17.02.2025 has recorded that the parties have resolved their dispute and have agreed to amicably settle.

4. Learned APP states that charge-sheet stands filed, however, the charge has not been framed. He fairly states that since the charge-sheet has been registered under Section 338 of the IPC, it is a compoundable offence with the permission of the Court before which prosecution is pending on the statement of the injured i.e., victim.

5. This Court notes that since the statement of injured i.e., victim has already been recorded by the Joint Registrar (J) on 17.02.2025, this Court finds no impediment in quashing of the subject FIR and proceedings emanating therefrom in the light of said settlement. This Court as well has interacted in vernacular with Respondent No. 2, who is present in Court along with her father. She states that she has recovered from the fall and has since been married and lives in her matrimonial home. She has confirmed that she has consented to the quashing of the subject FIR.

6. This Court notes that the dispute has been amicably settled and Respondent No. 2 has no grievance or claim against the Petitioner and has agreed to withdraw all allegations.

7. At this point it would be apposite to refer the judgement of Supreme Court in the case of **J. Ramesh Kamath v. Mohana Kurup**, (2016) 12 SCC 179 wherein Supreme Court opined that power vested with this court under section 482 CrPC is not limited to quashing within ambit and scope of Section 320 CrPC and same can be extended to quashing of proceedings based on settlement until the crime is not against the society. The relevant extract of the said judgment reads as under:



“14. A perusal of the above determination leaves no room for any doubt that this Court crystallised the position in respect of the powers vested in the **High Court under Section 482 of the Criminal Procedure Code, to quash criminal proceedings. It has now been decisively held that the power vested in the High Court under Section 482 of the Criminal Procedure Code is not limited to quashing proceedings within the ambit and scope of Section 320 of the Criminal Procedure Code.** The three-Judge Division Bench [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] **in the above case clearly expounded that quashing of criminal proceedings under Section 482 of the Criminal Procedure Code could also be based on settlements between private parties and could also on a compromise between the offender and the victim. Only that, the above power did not extend to crimes against the society.** It is also relevant to mention that the jurisdiction vested in the High Court under Section 482 of the Criminal Procedure Code for quashing criminal proceedings was held to be exercisable in criminal cases having an overwhelming and predominatingly civil flavour, particularly offences arising from commercial, financial, mercantile, civil, partnership, or such like transactions. Or even offences arising out of matrimony relating to dowry, etc. Or family disputes where the wrong is basically private or personal. In all such cases, the parties should have resolved their entire dispute by themselves, mutually.”

(Emphasis Supplied)

8. In the light of the above noted judgment and the law laid down by the Supreme Court in **Gian Singh vs. State of Punjab & Anr¹**.. as also in **Narinder Singh & ors. Vs. State of Punjab & Anr²**., this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility as the chargesheet

¹ (2012) 10 SCC 303

² (20214) 6 SCC 466



already stands filed under Section 338 of IPC, which in itself is compoundable at the option of victim, therefore, the chances of conviction are remote and bleak.

9. Accordingly, FIR No. 883/2022 registered under Section 338 of Indian Penal Code, 1860 (IPC) registered at P.S.- Mahendra Park, North West, Delhi is quashed along with all proceedings emanating therefrom.

10. The investigating Officer ('IO') is directed to appraise the Trial Court with respect to the quashing of the subject FIR.

11. Petition stands disposed of.

12. Pending applications, if any, also stand disposed of.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 21, 2025/mt/akp

[Click here to check corrigendum, if any](#)