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

+ **CRL.M.C. 1268/2025**

MOHD. DANISH & ORS.

.....Petitioners

Through: Mr. Sanju Gupta and Mr. Akshay Tyagi, Advocates with Petitioners in person.

versus

STATE (GOVT OF NCT, DELHI) & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State with Mr. Bijender Singh, SI, PS-Jama Masjid.
Mr. Ashutosh Bhardwaj, Mr. Deepanshu Lakra and Mr. Lakshay Tyagi, Advocates for R-2, 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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31.07.2025

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. 11/2021³ under Sections 308/34 of the Indian Penal Code, 1860⁴, registered at P.S. Jama Masjid and all proceedings emanating therefrom.
2. Briefly stated, the case of the Prosecution against the Petitioners is that the Complainant (now deceased) had purchased and was redeveloping a

¹ "BNSS"

² "Cr.P.C."

³ "impugned FIR"

⁴ "IPC"



property in the Chawri Bazar locality of Delhi. The Complainant alleged that his neighbours, the Petitioners, persistently harassed him by obstructing his construction activities and demanding a sum of INR 2,00,000/- from him, threatening to report the ongoing construction to the municipal authorities in the event of non-payment. On the evening of 27th February, 2011, it is alleged that the Petitioners confronted the Complainant at his building site, abused him and assaulted him, his brother (Respondent No. 3) and his son (Respondent No. 2) with bricks, resulting in injuries. During the incident, two neighbourhood bystanders who attempted to intervene also suffered injuries. The injured parties were subsequently taken to JPN Hospital, where the Complainant's statement was recorded. On these allegations, the impugned FIR was registered against the Petitioners. Subsequently, a chargesheet was filed and the Petitioners were charge-sheeted under Sections 385/323/308/34 of IPC. Thereafter, the Sessions Court discharged the Petitioners for the offence under Section 308 of IPC, remanding the matter to the Trial Court for trial on the remaining charges under Sections 385/323/34 of IPC.

3. The parties state that they are neighbours and residents of the same locality and with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioners and have decided not to pursue the impugned FIR against them. Pursuant to this settlement, a Memorandum of Understanding⁵ dated 4th December, 2024 was executed between the Petitioners and Respondents No. 2 and 3. As per its terms, Respondent No. 2 and 3 have mutually resolved all disputes and differences with the



Petitioners and have agreed to voluntarily give their no objection to the quashing of the impugned FIR.

4. Respondents No. 2 and 3, who appear in person and are duly identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the impugned FIR proceedings. They confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 385 of IPC is non-compoundable, Sections 323 of IPC is compoundable by the person to whom the injury was caused.

6. It is well-settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 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.**⁶ 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

⁵ “MoU”

⁶ (2012) 10 SCC 303



would be an an exercise in futility.”

[Emphasis supplied]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁷ 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 powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and

⁷ (2014) 6 SCC 466



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]

8. 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. Respondent No. 2 and 3, in the present case, have categorically expressed their unwillingness to pursue the matter further and have 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 CrPC to secure the ends of justice.

9. However, since the State machinery was set in motion based on the impugned FIR, the ends of justice will be met if the Petitioners are put to cost.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 11/2011, as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of INR 3,000/- each with the Delhi Police Welfare Fund.

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



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

SANJEEV NARULA, J

JULY 31, 2025

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