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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1290/2025 & CRL.M.A. 5804/2025**
VIJAY KUMAR YADAVPetitioner

Through: Mr. S.K. Jha, Mr. Kaynat Ansari and
Ms. Mohini, Advocates with
Petitioner (in-Person).

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.
.....Respondents
Through: Mr. Mukesh Kumar, APP for R-1.
Respondent Nos. 2 & 3 (in-Persons).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
29.07.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 335/2024 dated 10th August, 2024, registered under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita³ at P.S. Seelampur, Delhi and all proceedings emanating therefrom.
2. Briefly stated, the case of the prosecution is that on 8th August 2024, at approximately 8:10 AM, an accident occurred on G.T. Road near Fish

¹ "BNSS"

² "CrPC"

³ "BNS"



Farm, Seelampur, Delhi, involving the Petitioner's vehicle (a TATA Harrier bearing registration number DL5CT6298) and another vehicle (a Swift bearing registration number DL9CAM8066) occupied by Respondent Nos. 2 and 3. It is alleged that the Petitioner's car collided with the Respondents' vehicle, which was parked on the side of the road. As a result of the injuries suffered due to the collision, Respondent No. 3 was subsequently taken to the hospital. The incident was reported *via* a PCR call, following which the impugned FIR was registered.

3. The present petition has been filed on the ground that the matter has been amicably resolved between the parties of their own free will, without any coercion, pressure, or undue influence. Pursuant to this settlement, a Settlement Deed dated 6th December, 2024, was executed between the Petitioner and Respondent Nos. 2 and 3.

4. A copy of the Settlement Deed has been placed on record and perused by the Court. As per its terms, the parties have mutually resolved all disputes and differences. Respondent Nos. 2 and 3 have agreed to voluntarily give their no-objection to the quashing of the impugned FIR. Further, as per the agreement, the Petitioner has paid a sum of INR 1,50,000/- as full and final settlement amount towards all claims of Respondent Nos. 2 & 3.

5. In view of the aforesaid settlement, Respondent Nos. 2 and 3 have appeared before the Court in person and have been duly identified by the Investigating Officer. They have unequivocally stated that they do not wish to pursue the FIR or any proceedings arising therefrom. They have confirmed that the settlement was arrived at voluntarily and without any form of coercion or undue influence. The injured party, Aniket Bhadoria (Respondent No. 3), has also confirmed receipt of the sum of INR 1,50,000/-



from the Petitioner in full compliance with the settlement terms. The Petitioner has also joined the proceedings in person and has been duly identified by the Investigating Officer. Upon a pointed query by the Court, the Petitioner admitted that he was driving the offending vehicle at the time of the incident. In light of the amicable resolution arrived at between the parties, the Petitioner now seeks quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions made by the parties. At the outset, it is noted that the Settlement Deed states that the offending vehicle was being driven by one Aryan Yadav at the time of the incident. However, in view of the express admission made by the Petitioner in Court, the Court has not relied on the version narrated in the Settlement Deed regarding the identity of the driver.

7. While the offence under Section 281 of the Bharatiya Nyaya Sanhita (BNS) is non-compoundable, the offence under Section 125(a) of BNS is compoundable by the person to whom hurt is caused, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (corresponding to Section 528 of BNSS), the Court may, in appropriate cases, quash proceedings even in respect of non-compoundable offences where the parties have reached a genuine settlement and where no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁴ 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

⁴ (2012) 10 SCC 303



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 an exercise in futility.”

[Emphasis added]

8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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.

⁵ (2014) 6 SCC 466



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 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 281 of BNS 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. Respondent Nos. 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 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.



10. In view of the foregoing, the present petition is allowed and FIR No. 335/2024 dated 10th August, 2024, registered under Sections 281 and 125(a) of BNS at P.S. Seelampur, Delhi and all proceedings emanating therefrom are hereby quashed.

11. However, given that the state machinery was put to use, the ends of justice will be served if the Petitioners are put to certain cost. Accordingly, the Petitioner is directed to deposit a sum of INR 5,000/- with the Delhi Police Welfare Fund, within a period of 4 weeks. Proof of payment to be furnished to the concerned Investigating Officer.

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

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

SANJEEV NARULA, J

JULY 29, 2025

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