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

+ **CRL.M.C. 1401/2025 & CRL.M.A. 6215/2025**

MANOJ KUMAR & ANR.

.....Petitioners

Through: Mr. Akshat Gupta, Advocate
Petitioners in person

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Anita, PS Keshav Puram
Ms. Moni Sharma, Advocate for R-2
& 3 with Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.08.2025

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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. 636/2017³ under Sections 323, 341, 354, 427, 506 and 34 of the Indian Penal Code, 1860⁴, registered at P.S. Keshav Puram and all proceedings emanating therefrom. A chargesheet under Sections 323, 341, 354, 427, 506 and 34 has also been filed against the Petitioners.

2. Briefly, the case of the prosecution against the Petitioner is that on 10th December, 2017, at about 5:15 PM, the Complainant (Respondent No.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



2), a housewife, had gone with her husband to the market at Kanhaiya Nagar, Delhi. While parking her car in front of Metro Pillar Nos. 227-228, the accused Manoj, along with another person, allegedly abused her, physically assaulted her by twisting her arm and pushing her, and also assaulted her husband by kicking and punching him. During the altercation, Manoj also damaged the car of the Complainant. The accused also threatened to kill them before fleeing in their car. The Complainant's husband captured photographs of the accused and the car. Both victims were medically examined at Deep Chand Bandhu Hospital, where injuries were noted. Based on the statement, MLCs, and spot inspection, offences under Sections 354, 341, 323, 506, 427 and 34 IPC were found to be made out and the impugned FIR was registered at PS Keshav Puram.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 and 3 have amicably resolved their disputes and differences with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this settlement, a Settlement Deed dated 7th November, 2024 was executed between the Petitioners and Respondent No. 2 and 3. A copy of the Settlement Agreement is placed on record and perused by the Court.

4. As per the terms of settlement, the parties have agreed that the Petitioners shall have no future connection, dealings, or claims against Respondents No. 2 and 3 arising out of the present dispute, and shall not make any defamatory statements against them. Both parties agreed not to interfere in each other's lives and not to initiate or pursue any proceedings against each other in the future. Respondents No. 2 and 3 also agreed to cooperate in the quashing of the impugned FIR No. 636/2017.



5. Respondents No. 2 and 3, who appear in person and are duly identified by the Investigating Officer, confirm that they have voluntarily, resolved all disputes with the Petitioners. They confirm that they have executed the Settlement Deed, of their own free will, without any pressure, coercion, or undue influence from any quarter. They further state that they do not wish to pursue the impugned FIR and have no objection if the same is quashed. An affidavit to this effect is on record.

6. The Court has considered the submissions of the parties. It is noted that while the offence under Section 354 IPC is non-compoundable in nature, the offences under Section 323 IPC are compoundable by the person to whom hurt is caused; under Section 341 IPC, by the person restrained or confined; under Section 427 IPC, by the person to whom the loss or damage is caused; and under Section 506 IPC, by the person intimidated. It is well settled that in the exercise of its inherent powers under Section 528 BNSS (formerly Section 482 Cr.P.C.), 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.***⁵ 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

⁵ (2012) 10 SCC 303



& 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]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ 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

⁶ (2014) 6 SCC 466



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]

8. Although the offence under Section 354 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 528 of BNSS to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 636/2017, registered at P.S. Keshav Puram and all proceedings emanating therefrom are hereby quashed, subject to payment of



a cost of INR 5,000/- each by the Petitioners to be deposited with the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned Investigating Officer.

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

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

SANJEEV NARULA, J

AUGUST 6, 2025/ab