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

+ **CRL.M.C. 1518/2025**

ASHUTOSH SONI

.....Petitioner

Through: Mr. Sanjay Soti, Advocate with
Petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Isha, Mr. Rajesh, Ms. Tulsi,
Mr. Vicky and Mr. Praveen,
Advocates for R-1 to R-5 with Injured
in person.
Mr. Mukesh Kumar, APP for State
with Mr. Kapil Kumar, SI and
Mr. Amit Beniwal, SI, PS_M.S. Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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08.09.2025

1. The present petition 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. 109/2017 dated 4th April, 2017, registered under Sections 308/506/509 of the Indian Penal Code, 1860³ at P.S. Mansarovar Park, Shahdara, Delhi and all consequential proceedings emanating therefrom.

2. Briefly, the case of the Prosecution emanates from a complaint filed

¹ "BNSS"

² "CrPC"



by Respondent No. 2, alleging that the Petitioner, a co-tenant in the same premises, had been indulging in obscene conduct outside her residence for several months. On 03rd April, 2017, when her relatives visited, the Petitioner verbally abused them, made obscene gestures, and later assaulted her relatives, Vijay and Praveen, with a cricket bat, causing injuries. When the Complainant and her relative Tulsi tried to intervene, he also pushed them aside, resulting in injuries to Tulsi. Consequently, based on the Complainant's statement, the subject FIR was registered. Upon conclusion of investigation, chargesheet was filed against the Petitioner for the aforementioned offences.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent Nos. 2-6 (being the Complainant, her husband and the injured parties) have amicably resolved the dispute with the Petitioner and have decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 22nd April, 2024 has been executed between the parties, a copy whereof has been placed on record and perused by the Court. As per its terms, Respondent Nos. 2-6 have mutually resolved all disputes and differences with the Petitioner and have agreed to voluntarily give their no objection to the quashing of the subject FIR.

4. In view of the settlement, Respondent Nos. 2-6, who have appeared before the Court in person and identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary and made

³ "IPC"

⁴ "MoU"



without any undue influence or coercion. The State has further apprised the Court that the injuries sustained by the injured were simple in nature. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 308 of IPC is non-compoundable, Sections 506 and 509 of IPC are compoundable in certain cases.

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.**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 & 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]

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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 quiding 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 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 308 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.

9. The Complainant, as well as Respondent Nos. 3-6, 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, and considering that injuries sustained by the victims were simple in nature, 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 Cr.P.C. to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed, and FIR No. 109/2017, P.S. Mansarovar Park, as well as all consequential proceedings arising therefrom are hereby quashed.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.

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

SEPTEMBER 8, 2025

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