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

+ CRL.M.C. 1635/2025 & CRL.M.A. 7417/2025

OM PARKASH ALIAS PARMOD

.....Petitioner

Through: Petitioner in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State.

SI Charan Singh, PS: Chhawala.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.07.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 385/2024³ registered under Section 110 of the Bharatiya Nyaya Sanhita, 2023⁴ at P.S. Chhawala and all proceedings emanating therefrom.

2. Briefly, the case of the prosecution against the Petitioner is based on a complaint filed by Respondent No. 2 wherein he stated that on 20th October, 2024, while returning home from his farm, he noticed that the road was blocked by his cultivator. When he inquired about it, the Petitioner admitted

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "BNS"



to placing it there. This led to an altercation, during which the Petitioner allegedly assaulted him and then retrieved an axe, striking him his head, causing a fatal injury on the right side of his head. The Petitioner then fled the scene. Respondent No. 2 contacted the police, who took him to RTRM Hospital for treatment. Consequently, based on this statement, the impugned FIR was registered.

3. The Petitioner is currently released on bail as per order dated 5th November, 2024 passed by the ASJ- South-West, Dwarka.

4. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, the Petitioner and Respondent No. 2 have amicably resolved their dispute and executed a Compromise Deed dated 31st January, 2025. A copy of the Deed has been placed on record. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner.

5. Respondent No. 2, who is present in Court and duly identified by the Investigating Officer, states that the Petitioner is his relative. He further states that the dispute has been amicably resolved of his own volition, without any pressure, threat, coercion, or compensation and he gives no objection to the quashing of the impugned FIR.

6. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the impugned FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. Notably, the offence under Section 110 of BNS is non-compoundable. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C (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]

8. 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.

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. 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 Cr.P.C. to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 385/2024 as well as all consequential proceedings arising therefrom, are hereby quashed.

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



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

JULY 7, 2025
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SANJEEV NARULA, J