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

+ CRL.M.C. 1797/2025 & CRL.M.A. 8088/2025

IRFAN

.....Petitioner

Through: Ms. Shreay Kumar Attri and Ms.
Sana Feroz, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State.
SI Akshay Dagar, PS: Shaheen Bagh.

+ CRL.M.C. 1829/2025 & CRL.M.A. 8266/2025

SAMEER & ANR.

.....Petitioner

Through: Ms. Shreay Kumar Attri and Ms.
Sana Feroz, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State.
SI Akshay Dagar, PS: Shaheen Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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05.08.2025

1. The present petitions filed under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of

¹ "BNSS"



Criminal Procedure, 1973²), seeking quashing of cross FIRs, the details of which are as follows:

- (i) In CRL.M.C. 1797/2025 – FIR No. 263/2024 dated 31st October, 2024, under Section 118(1) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023³ (corresponding to Section 324 read with Section 34 of the Indian Penal Code, 1860⁴), registered at P.S. Shaheen Bagh, Delhi, against accused persons Irfan and his minor son ‘Z’; and
- (ii) In CRL.M.C. 1829/2025 - FIR No. 264/2024 dated 31st October, 2024, under Section 118(1) read with Section 3(5) of BNS, registered at P.S. Shaheen Bagh, Delhi, against the accused persons Sameer and Furkan.

2. FIR No. 263/2024 was filed on the basis of a complaint filed by Sameer (Respondent No. 2 in CRL.M.C. 1797/2025), while FIR No. 264/2024 was filed on the basis of a complaint filed by Irfan (Respondent No. 2 in CRL.M.C. 1829/2025).

3. Briefly stated, the complainant Sameer, in FIR No. 263/2024, alleges that at the relevant time, he and his brother Furkan were working as salesmen at a shop called Gulavti Dhamaka Sale. On 30th October, 2024, at about 9:00 p.m., when they left the shop and were in N-Block lane, their neighbours, namely Irfan (the petitioner) and his son, approached them. Irfan allegedly slapped Furkan. When Sameer protested, Irfan allegedly became enraged and, along with his son, assaulted Furkan, causing injuries with a sharp object, as a result of which Furkan started bleeding. Furkan was thereafter taken to the Trauma Centre at AIIMS for treatment.

4. On the other hand, the complainant Irfan, in FIR No. 264/2024,

² “CrPC”

³ “BNS”



alleges that he works as a tyre puncture repairer near Thokar No. 6, Shaheen Bagh. On 30th October, 2024, at about 9:00 p.m., while at his shop with his son, he came to know that Sameer and Furkan were roaming near his house. On reaching N-Block lane, when questioned them about their purpose around his house, Sameer and Furkan allegedly started beating 'Z', causing him to bleed. 'Z' was thereafter taken to the Trauma Centre at AIIMS for treatment.

5. The petitioners submit that during the pendency of the trial proceedings in the above cases, with the intervention of relatives and other respectable members of society and since the parties are neighbours, they have amicably resolved their disputes. In this regard, Sameer and Irfan, the complainants in the two cases, executed a Memorandum of Understanding⁵ dated 8th January, 2025.

6. Under the MoU, both complainants, Sameer and Irfan, have agreed to settle all disputes and differences between the parties and jointly seek quashing of the litigations arising from the cross FIRs. A copy of the MoU has been placed on record and perused by the Court. In view of this settlement, the complainants have expressed their unequivocal intention not to pursue the FIR proceedings. They have confirmed to the Court that their decision was voluntary, without any coercion or undue influence. Their Affidavits/No Objection Certificates are also on record.

7. The complainants, present before the Court and duly identified by the Investigating Officer, have confirmed the settlement and stated that they have no objection to the quashing of the FIRs. They have reiterated that their

⁴ "IPC"

⁵ "MoU"



decision was taken voluntarily and of their own free will. All petitioners are present before the Court, except Furkan, who has appeared *via* the Video Conferencing mechanism. In light of the amicable settlement, the petitioners in both cases jointly pray for quashing of the FIRs and all proceedings arising therefrom.

8. The Court has considered the submissions of the parties. Notably, the offence under Section 118(1) of BNS (corresponding to Section 324 of IPC) is non-compoundable. However, 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 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 clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

⁶ (2012) 10 SCC 303



9. 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.”

[Emphasis Supplied]

10. While it is true that the offence under Section 118(1) of BNS (corresponding to Section 324 of IPC) is not an offence *in personam*, as it also concerns public interest, the Court must also take into account the practical realities of securing a conviction in the present matters. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose.

11. Since the Complainants have entered into a voluntary settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes

⁷ (2014) 6 SCC 466



significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would also lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 528 of BNSS (Section 482 of CrPC).

12. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund.

13. In view of the foregoing, the present petitions are allowed and FIR No. 263/2024 and FIR No. 264/2024, both registered at P.S. Shaheen Bagh, Delhi are hereby quashed. Accordingly, all proceedings emanating from the above two FIRs are also quashed.

14. It is expected that the parties shall abide by the terms of settlement.

15. Accordingly, the petitions are disposed of.

16. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

AUGUST 5, 2025

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