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

+ **CRL.M.C. 1894/2025 & CRL.M.A. 8583/2025**

FIRASAT KHAN AND ORS

.....Petitioners

Through: Mr. Shivam Dixit, Advocate along
with Petitioners in person.

versus

THE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.12.2025

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1. This 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. 424/2019 dated 18th December, 2019, registered under Sections 323, 354, 354A, 506 and 34 of the Indian Penal Code, 1860³ read with Section 8 of the Protection of Children from Sexual Offences Act, 2012⁴ at P.S. Jyoti Nagar, Delhi, and all consequential proceedings emanating therefrom.

2. The case of the prosecution arises from a complaint lodged by the Complainant/Respondent No. 2, alleging that on 06th September, 2019, at

¹ "BNSS"

² "CrPC"

³ "IPC"



about 7 PM, while she and her elder sister were alone at home, the Petitioners forcibly entered their residence, slapped her, and beat both sisters. It is further alleged that despite Arif's attempt to stop them, the other accused continued the assault and threatened to kill the sisters if they did not vacate the house. Based on the Complainant's statement, the present FIR was registered at P.S. Jyoti Nagar. Upon completion of investigation, a chargesheet was filed, whereby the Petitioners were implicated under Sections 323, 354, 354A, 354B, 506, 109 and 34 IPC read with Sections 8 and 17 POCSO Act.

3. On 11th September, 2025, it was brought to the notice of this Court that there is another victim, 'S', in the present case. Consequently, the Court directed that she be impleaded as an additional Respondent and that her affidavit, including her consent to the quashing of the FIR, be placed on record. Compliance has since been effected, and the amended memo of parties, as well as the affidavit, have been handed over across the board and taken on record.

4. The parties state that Respondents No. 2 and 3 have amicably resolved their dispute with the Petitioners and have decided not to pursue the present FIR against them.

5. Both Respondents No. 2 and 3, who have appeared in person and have been identified by the Investigating Officer, unequivocally state that they do not wish to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the parties jointly seek quashing of the subject FIR and all proceedings arising

⁴ "POCSO Act"



therefrom.

6. Considering the nature of the allegations, this Court had a detailed interaction with Respondents No. 2 and 3. They have answered the Court's queries with clarity and without hesitation. Their demeanour indicates that they fully understand the implications of their statements. There is nothing on record to suggest that they are acting under any pressure or coercion. Respondents No. 2 and 3 have stated that the dispute arose out of a misunderstanding and have also filed affidavits affirming that they have no objection to the quashing of the FIR.

7. The Court has considered the submissions of the parties. While the offences under Sections 354, 354A, 354B, 109 IPC and Sections 8 and 17 POCSO Act are generally non-compoundable, the offences under Sections 323 and 506 are compoundable in certain cases. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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

⁵ (2012) 10 SCC 303



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.

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

⁶ (2014) 6 SCC 466



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 offences alleged in the present FIR cannot be treated as strictly ‘*in personam*’, and they touch 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(s) have entered into a voluntary and *bona fide* settlement, and are 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.

10. Both Respondents No. 2 and 3 have categorically expressed their unwillingness to pursue the matter further and have confirmed that the settlement has been arrived at voluntarily. The Court also interacted with both of them, and they answered the Court’s queries with composure and a clear understanding of the implications of their statements. Nothing suggests that their decision is the result of coercion or influence. 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.

11. 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 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.



12. In view of the foregoing, the present petition is allowed and FIR No. 424/2019 dated 18th December, 2019, registered at P.S. Jyoti Nagar, Delhi, and all consequential proceedings emanating therefrom, are hereby quashed.

13. However, since the State machinery was set in motion based on the impugned FIR, 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 within a period of four weeks from today. Proof of payment of cost be deposited with the concerned IO.

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

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

SANJEEV NARULA, J

DECEMBER 3, 2025/MK