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

+ **W.P.(CRL) 1112/2023**

IMRAN KHAN & ORS.

.....Petitioners

Through: Mr. M.M. Hashmi, Advocate with
Petitioners No. 2 to 4 (in-Persons).

versus

THE STATE & ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
State.

SI Satyapreet, P.S. Kalini Kunj and SI
Sumit, P.S. Budh Vihar.

Mr. Nadeemudiz Zaman, Advocate
for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.07.2025

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1. The present petition filed 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. 150/2021 dated 3rd April, 2021, registered under Sections 308 and 34 of the Indian Penal Code, 1860³ at P.S. Kalandi Kunj, Delhi and all consequential proceedings emanating therefrom. Consequently, a chargesheet was filed wherein offences under Sections 25, 54 and 59 of the Arms Act were added against

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Petitioner No. 4 (Rahman).

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 2nd April, 2021, information was received at P.S. Kalindi Kunj, Delhi, regarding a scuffle. Pursuant thereto, ASI Ram Kishore, along with Constable Samay Singh, proceeded to the place of incident at E-Block, near Cloth Factory, Khadda Colony, Part II, Jaitpur, New Delhi, where a crowd had gathered. Upon inquiry, it was revealed that the injured individuals had already been taken to the hospital by their relatives.

2.2. In the meantime, the police also received an intimation from AIIMS Hospital, Delhi, concerning the same incident. ASI Ram Kishore then proceeded to AIIMS, where he found three injured individuals, Jahid Khan, Arif, and Wahid Khan (Respondent Nos. 2 to 4), undergoing treatment. He collected their MLCs, and on the basis of the statement of the injured Wahid Khan, the present FIR was registered.

2.3. During investigation, Wahid Khan disclosed that approximately 10–15 days prior to the incident, a minor altercation had taken place between him, his brother Jahid, and three individuals – Imran Khan, Mohd. Rehan, and Mohd. Danish Qureshi (Petitioner Nos. 1-3). However, as they were neighbours, the matter was amicably resolved at that time.

2.4. On 2nd April, 2021, at around 9:30 PM, Wahid was at his residence when he heard a commotion outside. On stepping out, he saw a group of people gathered at the place of incident. Upon reaching the spot, he allegedly saw Imran, Rehan, Danish, and Rahman (Petitioner No. 4) assaulting his brother Jahid and his friend Arif with sticks. When Wahid attempted to intervene and save his brother, it is alleged that he too was assaulted and sustained injuries. During the course of investigation, the



doctor opined that Jahid and Arif had sustained “grievous” injuries, while Wahid’s injuries were classified as “simple.”

2.5. On 4th April, 2021, Rahman (Petitioner No. 4) was arrested. Upon conducting a cursory search, a country-made pistol and two empty cartridges were allegedly recovered from his possession. Consequently, offences under Sections 25, 54, and 59 of the Arms Act were invoked in the present case. The remaining petitioners were arrested subsequently, and the sticks allegedly used in the offence were also recovered. Presently, all the petitioners are on bail. The case is pending trial and is currently at the stage of framing of charge.

3. The parties state that, with the intervention of common friends, relatives and other respectable members of locality, Respondent Nos. 2 to 4 have amicably resolved their disputes with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this settlement, a Memorandum of Understanding/Compromise Deed 10th April, 2023, was executed between the parties.

4. A copy of the Compromise Deed has been placed on record and perused by the Court. As per its terms, Respondent Nos. 2 to 4 have mutually resolved all disputes and differences with the Petitioner out of their own free will and have agreed to voluntarily give their no objection to the quashing of the impugned FIR.

5. In view of the settlement, Respondent Nos. 2 to 4 have appeared before the Court in person and have been duly identified by the Investigating Officer. They have unequivocally stated that they do not wish to pursue the present FIR or the proceedings arising therefrom. They have confirmed that the settlement has been arrived at voluntarily and without any pressure,



coercion, or undue influence. In this regard, their respective Affidavits/No Objection Certificates are on record.

6. Petitioner Nos. 2 to 4 have also appeared in person and have been duly identified by the Investigating Officer. Petitioner No. 1, however, is not present as he is indisposed at the moment. In light of the amicable resolution arrived at between the parties, the Petitioners seek quashing of the impugned FIR and all proceedings emanating therefrom.

7. It has been pointed out that none of the Petitioners have any prior criminal antecedents. Although, during the course of investigation, an unlicensed firearm was recovered from the custody of Petitioner No. 4 (Rahman), it is pertinent to note that the said weapon was not used during the incident in question. The injuries allegedly sustained were caused by sticks. As per the medical opinion, the injuries suffered by Wahid Khan were classified as “simple”, while those sustained by Arif and Zahid Khan were categorized as “grievous”. Nonetheless, Petitioner No. 4 (Rahman) makes no claim on the firearm.

8. The Court has considered the submissions of the parties. The offences under Section 308 of IPC, as well as under Sections 25, 54 and 59 of the Arms Act are 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.**⁴ 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 exercise in futility.”

[Emphasis added]

9. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

10. Although the offence under Section 308 of IPC along with Sections 25, 54 and 59 of the Arms Act 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 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.

11. Respondent Nos. 2 to 4, 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, 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 (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. in view of the foregoing, the impugned FIR No. 150/2021 dated 3rd April, 2021, registered at P.S. Kalandi Kunj, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

13. However, given that the state machinery was put to use, the ends of justice will be served if the parties involved in the impugned FIR are put to cost. Accordingly, each of the Petitioner are directed to pay cost of INR 5,000/- with the Delhi Police Welfare Fund, within a period of three weeks from today. Proof of payment to be furnished to the concerned Investigating Officer.

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

15. Since the firearm recovered is not being claimed by Petitioner No. 4 (Rahman), the State is permitted to proceed in accordance with law.

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

SANJEEV NARULA, J

JULY 25, 2025

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