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

+ **W.P.(CRL) 947/2025**

JITANDER KUMAR & ORS.

.....Petitioners

Through: Mr. Prince Sharma, Advocate along
with Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State along with SI Naresh and
IO/ASI Bharatvir, PS Bindapur.
Mr. R.K Solanki and Ms. Vanita,
Advocates for Respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.08.2025

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. 1125/2015 dated 11th August, 2015, registered under Sections 323, 354B, 506 and 34 of the Indian Penal Code, 1860³ at P.S. Binda Pur, Delhi and all consequential proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution against the Petitioners is that on 8th August 2015, at around 7:30 PM, the Complainant's son was

¹ "BNSS"

² "CrPC"



sitting on a cot in the street selling kites when Petitioner No. 2, Laxmi, allegedly threw water on the kites, damaging them. The Complainant approached Laxmi to show her the condition of the kites, at which point other members of Laxmi's family were also present. Upon being confronted that the kites had been spoiled, Laxmi allegedly got angry and asked the Complainant to take the kites away. The Complainant continued to confront her, during which Laxmi allegedly held the Complainant's hand and asked her to leave. Soon thereafter, Petitioner No. 3, Nidhi (Laxmi's daughter), joined in and an altercation ensued. While the Complainant attempted to leave from there, Nidhi slipped and fell. Enraged by this, Petitioner No. 1, Jitender Kumar (Nidhi's husband), is alleged to have physically assaulted the Complainant with a wooden stick. It is further alleged that Petitioner No.4, Shankey (Laxmi's sister's son), had also joined the scuffle and pulled the Complainant's clothes. Based on these allegations, the impugned FIR was registered.

3. The parties state that, with the intervention of well-wishers, friends and relatives of both parties, the disputes and differences between the parties has been amicably resolved. Consequently, Respondent No. 2 has decided not to pursue the present FIR against the Petitioners. Pursuant to this settlement, a Settlement and Compromised Deed dated 23rd August, 2025 has been executed between the Petitioners and Respondent No. 2.

4. A copy of the Settlement and Compromised Deed has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved the matter with the Petitioners and has agreed to voluntarily give her no objection to the quashing of the subject FIR. As per

³ "IPC"



the terms of the settlement, the Petitioners have agreed to withdraw cross-FIR No. 1123/2015 registered by them under Sections 452, 323 and 34 of IPC at P.S. Binda Pur, Delhi.

5. In view of the settlement, the Complainant, who has appeared before the Court in person and identified by the Investigating Officer, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioners have also joined the proceedings in person and are duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioners seek quashing of the impugned FIR and all proceedings emanating therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 354B of IPC is non-compoundable, Sections 323 and 506 of IPC are compoundable.

7. It is well settled that in the exercise of its inherent powers under Section 482 of 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.**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

⁴ (2012) 10 SCC 303



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]

8. 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 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

⁵ (2014) 6 SCC 466



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. Although the offence under Section 354B 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.

10. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further and has 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.

11. In view of the foregoing, the present petition is allowed and FIR No.



1125/2015 dated 11th August, 2015, registered under Sections 323, 354B, 506 and 34 of IPC at P.S. Binda Pur, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

12. 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 3,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today.

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

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

SANJEEV NARULA, J

AUGUST 21, 2025/MK