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

+ CRL.M.C. 2094/2025, CRL.M.A. 9389/2025

PRADEEP

.....Petitioner

Through: Mr. Biswajit Umar Patra and
Ms. Khushboo Gupta, Advocates with
Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Ravindra Singh, SI, PS-
Fatehpur Beri.
Mr. Jitender, ASI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.05.2025

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1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of the FIR No. 528/2023 under Sections 337 and 279 of the Indian Penal Code, 1860³, registered at P.S. Fatehpur Beri along with all the proceedings emanating therefrom. Subsequently, a chargesheet has been filed *qua* the Petitioner under Sections 279 and 338 of the IPC as well as Sections 3 and 181 of the Motor Vehicles Act, 1988⁴.

2. The aforementioned FIR was registered relating to an alleged incident

¹ "BNSS"

² "Cr.P.C."

³ "IPC"

⁴ "MV Act"

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where the Petitioner and his friend Respondent No. 2, while going to Fatehpur Beri Jona to Chattarpur on a motorcycle met with the accident and collided with a wall. To this effect, a DD entry was recorded which led to the registration of the subject FIR. In the aforementioned proceedings, a final report under Section 173 of Code of Criminal Procedure, 1973⁵ was also filed. During the course of proceedings before the Judicial Magistrate First Class, Saket Courts, Delhi, the parties were referred to mediation before the Mediation Cell, Saket Courts, New Delhi, where, with the intervention of family members and relatives, the parties resolved their disputes. The terms of the settlement were recorded by the mediator in the proceedings dated 23rd November, 2024. Accordingly, in light of the said settlement, the parties have applied for quashing of the subject FIR and all proceedings emanating therefrom.

3. On 27th March, 2025, the parties recorded their respective statements before the Joint Registrar of this Court, confirming the settlement dated 23rd November, 2024. Respondent No. 2 (Complainant) has categorically stated that she has entered into the settlement with the Petitioner out of her wish and will, without any force, coercion, undue influence or pressure. She further stated that she does not wish to pursue the present FIR against the Petitioner.

4. The parties are present before this Court in person and have been duly identified by their respective counsel and the Investigating Officer. Respondent No. 2 (Complainant) confirms that she has no further grievance against the Petitioner and she has no objection to the quashing of the present FIR.

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5. The Court has considered the submissions of the parties. While the offence under Section 279 of IPC is non-compoundable, the offence under Section 338 is compoundable by the person to whom the hurt was caused. Thus, considering the injuries sustained by the Complainant, who was the pillion rider on the bike, were minor and considering that she is not inclined to pursue the present FIR, the Court is inclined to accept the Petitioner's request for quashing of the subject FIR in so far as offences under Section 338 and 279 of the IPC.

6. It is well settled that in the exercise of its inherent powers under Section 582 of BNSS (earlier Section 482 of CrPC), 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 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]

7. 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

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466

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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 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]

8. While it is true that the offence under Section 279 of IPC is not an offence in *personam*, meaning thereby that it affects society at large and not just the individual complainant, the Court must also take into account the

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practical realities of securing a conviction in the present case. 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.

9. This brings us to the offence under Sections 3 read with 181 of MV Act which are offences against the State, in relation to driving a motor vehicle without a valid license. These offences are compoundable, as per the notification no. No. F. 19(95)/Tpt./Sectt./10/257 dated 20th December, 2016, issued by the Lt. Governor of NCT of Delhi, in exercise of powers under Section 200(1) read with Section 2 Clause 41 of the MV Act, against a fixed compounding fee of INR 500/-.

10. Mr. Hemant Mehla, APP for State, on instructions from the authorised officer – ASI, Jatinder, submits that the State has no objection to the compounding of the offence under Sections 3 read with 181 of the MV Act.

11. Therefore, in light of the above, since the Complainant has entered into a voluntary and genuine settlement, and is unwilling to pursue the case, and since the offence under Section 3 read with 181 of the MV Act is compoundable, in the opinion of the Court, present case is fit for quashing the impugned FIR, in so far as it pertains to the offence under Section 279 of the IPC.

12. It is further directed that for the offence under Section 3 read with 181 of the MV Act, for which the Petitioner has been chargesheeted in the impugned FIR, the Petitioner shall deposit the compounding fee of INR 500/- as costs, to the Transport Department, GNCTD.

13. With the above directions, the subject FIR No. 528/2023, registered at P.S. Fatehpur Beri, along with all the proceedings emanating therefrom is

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hereby quashed in the above terms.

14. Accordingly, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

MAY 5, 2025

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