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

+ **W.P.(CRL) 1051/2025, CRL.M.A. 10036/2025**

GAURAV & ORS.

.....Petitioners

Through: All petitioners in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) with
Mr. Atul Rastogi, Mr. Kshitiz Garg,
Mr. Ashvini Kumar, Mr. Nitish
Dhawan and Ms. Chavi Lazarus,
Adv.
SI Hareti Lal, PS Vikaspuri.
Ms. Shalu Bidhuri, Adv. with all
complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.05.2025

1. The present petition filed under Article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Criminal Procedure Code, 1973²) seeks quashing of FIR No. 546/2024³ dated 29th January, 2024, registered under Sections 110 and 3(5) of the Bharatiya Nyaya Sanhita, 2023⁴, at P.S. Vikaspuri, Delhi and all other proceedings emanating therefrom. This prayer is premised on the ground that the disputes between the parties have been amicably

¹ "BNSS"

² "CrPC"

³ "impugned FIR"

⁴ "BNS"



resolved. A Memorandum of Understanding/Agreement of Settlement dated 2nd December, 2024, has been executed between the Petitioners and Respondent Nos. 2 and 3, which sets out the terms of settlement. A copy of the Settlement Agreement has been duly placed on record.

2. The FIR in question was lodged on the complaint of Respondent No.2 (Mr. Nirmal Singh), who alleged that on the night of 27th October, 2024, while he was on night duty at the premises situated at J-38, Vikaspuri, the Petitioners, who were residents of the second floor of the same building, descended to the ground floor at approximately 2:45 AM and initiated a verbal altercation with the security staff and other personnel present. It is alleged that the Petitioners used abusive language and created a ruckus. In view of the escalating situation, Nirmal Singh called his brother, Respondent No. 3, Mr. Jaspal Singh, seeking his assistance. Upon arrival, Jaspal Singh inquired of the Petitioners the reason for their conduct, whereupon the Petitioners allegedly began physically assaulting both Nirmal and Jaspal Singh. It is alleged that the Petitioners lifted and threw both Respondents onto the road, causing them to fall and sustain injuries, particularly to the head. They are further alleged to have been kicked and beaten with hands and feet, and to have had stones hurled at them, resulting in further bodily injuries. A PCR van reportedly reached the spot soon thereafter and transported both injured persons to Deen Dayal Upadhyay Hospital for medical attention. On the basis of the statement made by Respondent No. 2, the present FIR came to be registered.

3. In the present case, a charge sheet has been filed against the Petitioners. However, during the pendency of proceedings before the Trial Court, the parties have resolved their disputes amicably and without any



coercion, pressure, or undue influence. A Memorandum of Understanding/Settlement Deed dated 2nd December, 2024, has been executed between the Petitioners and Respondent Nos. 2 and 3. In accordance with the said settlement, the parties have agreed to withdraw all proceedings pending before the concerned courts.

4. On 9th May, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar wherein he verified that the matter has been amicably settled between the parties and gave his no objection to the quashing of the impugned FIR, and all the proceedings emanating therefrom. Furthermore, the statement of Garvit Gupta, Advocate (the Counsel for Respondent No. 3), was recorded before the Joint Registrar on the same day, whereby the Counsel stated on instructions that Respondent No.3 has entered into the Settlement Agreement with the Petitioners and that he has voluntarily settled his disputes without any pressure or coercion.

5. In light of the above, counsel for all parties jointly pray for quashing of the impugned FIR and the proceedings arising therefrom. Respondent Nos. 2 and 3 are present before the Court and have been duly identified by the Investigating Officer. They affirm the terms of the settlement and state that they have no objection to the quashing of FIR No. 546/2024. To this effect, their respective Affidavits/No Objection Certificates have been duly placed on record.

6. Respondent No. 3 states that the medical expenses incurred for the injuries sustained during the incident were voluntarily borne by the Petitioners. Respondent No. 2, on the other hand, states that he did not suffer any significant injury in the course of the incident. Both Respondents further submit that, considering the Petitioners to be their neighbours to their place



of livelihood and in view of the amicable resolution reached, they do not wish to seek any monetary compensation.

7. The Court has considered the aforementioned facts. Notably, the offence under Section 110 of IPC is non-compoundable. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of CrPC), can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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.

⁵ (2014) 6 SCC 466



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. Similarly, in the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.**,⁶ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

⁶ (2017) 9 SCC 641



16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court



would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

9. It is thus well settled that the power under Section 528 of BNSS (earlier Section 482 of CrPC) must be exercised with circumspection. Nonetheless, in cases involving offences of a predominantly private nature, where the alleged acts do not entail serious societal impact or public harm, the High Court is empowered to quash criminal proceedings if the parties have voluntarily arrived at a settlement. In the present case, the dispute arises from a neighbourhood altercation between private individuals, without any element of public outrage or systemic injury. The Petitioners and Respondents have expressed a conscious desire to restore harmony. In the considered view of this Court, no useful purpose would be served by prolonging the proceedings. Rather, allowing them to continue would amount to an abuse of the process of law. This is, therefore, a fit case for the exercise of jurisdiction under Section 528 of the BNSS.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioners are directed to deposit INR 5,000/- each with the Armed Forces Battle Casualties Welfare Fund.

11. FIR No. 546/2024 dated 29th January, 2024, registered under Sections 110 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at P.S. Vikaspuri, Delhi and all other proceedings emanating therefrom are hereby quashed.

12. The parties shall abide by the terms of the settlement.

13. The present petition is allowed in the aforesaid terms. Pending



applications (if any) are disposed of as infructuous.

MAY 21, 2025/akc

SANJEEV NARULA, J