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

+ **CRL.M.C. 2305/2025**

CHARVI JAIN & ANR.

.....Petitioners

Through: **Mr. Garvit Sharma, Advocate**

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: **Mr. Digam Singh Dagar, APP for
State for the State with WSI
Ingkumnaro, PS New Ashok Nagar
Mr. Aniket Pawar, Advocate for R-2**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.05.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0386/2024 under Sections 115(2)/118(1)/127(2)/351(3) of the Bharatiya Nyaya Sanhita, 2023³ registered at P.S. New Ashok Nagar all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioners is that a complaint was received from the Complainant (Respondent No. 2), who works as a security guard at Anikant Apartments. According to the Complainant, on 5th September 2024, he was on duty at the apartment gate from 8:00 p.m. to 8:00 a.m. He alleged that around 11:00 p.m., Petitioner

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



No. 2, a resident of Flat No. 1, approached him and complained that there was no water in her flat. The Complainant responded that it was late at night, and as he was unaware of the status of their water tank, and asked her to come in the morning. However, she began shouting at him. Shortly thereafter, both Petitioners approached the Complainant, began quarrelling with him, and threatened to have him removed from his job. Under apprehension, the Complainant went to the rooftop to inspect the water tank, but after failing to locate it, he returned to his duty. Thereafter, the Petitioners again approached him, this time complaining that dirty water was coming from the taps in their flat. The Complainant reiterated that it was late and that he had no knowledge of the tank's condition, again requesting them to raise the issue in the morning. However, as the Petitioners continued to threaten that they would lodge a complaint against him, the Complainant went to their flat, where the Petitioners locked him inside, assaulted him, and burned him with a hot iron. They also struck him on the head, causing it to bleed, and threatened to kill him if he disclosed the incident to anyone. When the Complainant began screaming, the neighbours intervened, opened the door, and rescued him. The aforesaid incident led to the registration of the present FIR.

3. The Petitioners state that Respondent No. 2 has amicably resolved the dispute with the Petitioners, and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 06th October, 2024, was executed between the Petitioners and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the



Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioners and has agreed to voluntarily give his no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioners' father, Mr. Neeraj Jain has paid a total sum of INR 24,000/- to Respondent No. 2 as final settlement amount.

5. During the course of the present proceedings, the statement of Respondent No. 2 (the Complainant) was recorded before the Joint Registrar of this Court on 25th April, 2025, wherein Respondent No. 2 confirmed that he has voluntarily and without any pressure or coercion from anyone, settled all his issues and disputes with the Petitioners. He stated that he has executed the MoU with the Petitioners' father out of his own free will. As per his statement, he has confirmed that he has received entire settlement amount of INR 24,000/- and he does not wish to pursue the subject FIR and has no objection if the same is quashed.

6. In view of the settlement, the Complainant, who has appeared before the Court and identified by his counsel, has unequivocally stated that he does not wish to pursue the FIR proceedings. He has confirmed that his decision to settle the matter is voluntary and made without any undue influence or coercion. He has further confirmed the receipt of the full and final settlement amount from the Petitioners' father, as per the terms of the MoU executed between them. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 118 BNS is non-compoundable, the offences under

⁴ "MoU"



Sections 115(2) is compoundable by the person to whom hurt has been caused, Section 127(2) by the person restrained or confined; and Section 351(3) by the person intimidated. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C. (now Section 582 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 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.*,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***

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. Although the offence under Section 118 of the BNS 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. The Complainant in the present case has categorically expressed his 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 482 of the Cr.P.C. to secure the ends of justice.

10. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioners are put to cost.

11. In view of the foregoing, the present petition is allowed and FIR No. 0386/2024 under Sections 115(2)/118(1)/127(2)/351(3) of the BNS registered at P.S. New Ashok Nagar as well as all consequential proceedings arising therefrom are quashed, subject to payment of a cost of INR 10,000/- to the Delhi Police Welfare Fund, and a further sum of INR 5,000/- to Respondent No. 2, within a period of six weeks from today. The proof of payments be submitted with the concerned Trial Court.

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

SANJEEV NARULA, J

MAY 2, 2025/ab