



\$~83

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

+ CRL.M.C. 2337/2025, CRL.M.A. 10537/2025

YATIN KATYAL

.....Petitioner

Through: Mr. Praveen Kr. Singh and Mr. Md. Firoz, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sadab Salmani, Advocate for R-2, 3.

Mr. Mukesh Kumar, APP for State with Mr. Vijay Gaur, SI, PS-South West Zone and Mr. Sanjay, SI, PS-Dwarka North.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.08.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 800/2022³ registered under Sections 308/34 of the Indian Penal Code, 1860⁴ at P.S. Dwarka North and all proceedings emanating therefrom. Following the registration of the impugned FIR, the investigation was completed and the Petitioner was charge-sheeted under Sections 308/34 of IPC.

2. The impugned FIR was registered pursuant to a complaint lodged by

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



one Aditya Kumar (Respondent No. 2), who stated that his younger brother, Abhijeet, a Class XII student, had an earlier dispute with Manish Kumar, a fellow student of the same school. In connection with this dispute, on 7th December, 2022, while Abhijeet was returning home from school, he was allegedly intercepted at NSUT Road, in front of Puran Store, by Daksh, a friend of Manish Kumar, who then assaulted him. Seeking to address the matter, on 9th December, 2022, Respondent No. 2, accompanied by his cousin Anshul Kumar (Respondent No. 3), went to Daksh's residence, where Daksh and Yatin (Petitioner) were present. A heated verbal exchange ensued. As Respondent No. 2 and his cousin were leaving, Daksh allegedly struck Anshul on the head with a brick, causing him to fall from his two-wheeler and continued to give him beatings. It is further alleged that the Petitioner also joined Daksh in beating Anshul with a stick and bricks.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioner and have decided not to pursue the impugned FIR against him. Pursuant to this settlement, the Petitioners and Respondents No. 2 and 3 executed a Memorandum of Understanding dated 17th December, 2024 whereby Respondents No. 2 and 3 have mutually resolved all disputes and differences with the Petitioner, although Daksh has not been named in the chargesheet. Respondent No. 2, the Complainant confirms that he did not sustain any injuries during the incident.

4. Respondents No. 2 and 3, who are present in person and duly identified by the Investigating Officer, state that they do not wish to pursue the FIR proceedings. Respondent No. 3 states that he has received INR



1,50,000/- from the Petitioner as per the terms of the settlement. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the impugned FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. The offence under Section 308 of IPC is non-compoundable. However, it is well-settled that in the exercise of its inherent powers under Section 482 of CrPC (now 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.***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 supplied]

6. 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

7. As evident from the afore-noted extracts, 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 and the injured in the present case has categorically expressed their 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.

8. However, since the State machinery has been set into motion and chargesheet has been filed, justice will be served if the Petitioner is put to cost.

9. In view of the foregoing, the present petition is allowed and impugned FIR No. 800/2022 as well as all consequential proceedings arising therefrom are hereby quashed, subject to depositing INR 5,000 cost/- by the Petitioner to the Delhi Police Welfare Fund.

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

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

SANJEEV NARULA, J

AUGUST 12, 2025

nk