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

+ CRL.M.C. 2464/2025, CRL.M.A. 11038/2025

MANISH KASHYAP & ORS.

.....Petitioners

Through: Mr. Sanjay Kumar Chobey, Advocate
with Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Manisha, SI, PS-Mandawali.
Mr. Nitesh and Ms. Kajal Yadav,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
28.05.2025

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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. 710/2023 under Sections 285/336/337/34 of the Indian Penal Code, 1860³, registered at P.S. Mandawali Fazalpur and all proceedings emanating therefrom. The chargesheet stands filed, wherein the Petitioners have been charge-sheeted for the offences under Sections 285, 336, 338 and 34 of the IPC.
2. Briefly stated, the case of the Prosecution against the Petitioners is that a complaint was received from the Complainant/Respondent No. 2, who

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



is employed as a security guard at Deshbandhu Apartments, Madavali, Delhi. He alleged that during ongoing road construction work in the society, a large tree had fallen and was obstructing the road. The tree had been cut by the society members, and Petitioner No. 2 was attempting to set it on fire, but was unsuccessful as the wood was not catching fire properly. Thereafter, Petitioner Nos. 2 and 3 allegedly called the Complainant to assist in lighting the fire. At that point, Petitioner No. 1 handed the Complainant a white can containing sanitizer, instructing him to pour it onto the fire. The Complainant claims that he objected, warning that sanitizer is a flammable substance and could aggravate the fire. However, the Petitioners assured him that no harm would be caused. Acting on their assurance, the Complainant poured the sanitizer; however, as soon as he began doing so, the fire intensified and the can exploded. As a result, the Complainant's shirt caught fire, and the fire spread further. It is further alleged that the Petitioners, along with one Babu Ram, attempted to tear off the Complainant's shirt, during which Babu Ram sustained burn injuries on his hand. Water was then poured on the Complainant, but he suffered further burn injuries, including damage to the skin on his hand. Subsequently, the Petitioners took the Complainant to R.K. Hospital in their car. The doctor there advised that the Complainant be shifted to either Safdarjung Hospital or LNJP Hospital. However, instead of following this medical advice, the Petitioners allegedly took the Complainant to Hedgewar Hospital, where he was bandaged and given medicines. Thereafter, they forcibly left him at his residence. The Complainant attributes the burn injuries suffered by him to the alleged negligence and carelessness of the Petitioners in attempting to light the fire. On the basis of his complaint, the subject FIR was registered.



3. The Petitioners state that Respondent No. 2 has amicably resolved the dispute with them, and has decided not to pursue the present FIR against them. Pursuant to this settlement, a Mutual Settlement Deed dated 5th October, 2023 was executed between the Petitioners and Respondent No. 2.

4. A copy of the Settlement Deed 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 Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR.

5. During the course of the present proceedings, the statement of Respondent No. 2 was recorded before the Joint Registrar of this Court on 19th May, 2025, wherein he 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 Mutual Settlement Deed with the Petitioners out of his own free will.

6. In view of the settlement, the Complainant, who has appeared before the Court in person and is 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 settlement amount of INR 50,000/- as compensation, along with his salary for six months. At this juncture, the Petitioners, who are also present in Court and duly identified by the Investigating Officer, volunteer to make further payment of INR 50,000/- to Respondent No. 2. The said amount is paid in cash to Respondent No. 2, in the Court itself. 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 offences under Sections 285 and 336 of IPC are non-compoundable, the offences under Sections 337 and 338 of IPC are compoundable, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (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.**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 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***

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 offences under Sections 285 and 336 of the IPC cannot be treated as strictly ‘*in personam*’, and they touch 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. In view of the foregoing, the present petition is allowed and quashing FIR No. 710/2023 under Sections 285/336/337/338/34 of the IPC, registered at P.S. Mandawali Fazalpur, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 28, 2025

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