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

+ CRL.M.C. 2495/2025, CRL.M.A. 11180/2025

YASH AGGARWAL AND ORS

.....Petitioners

Through: Mr. Sahil Malik and Mr. Aditya Jain,
Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Neeraj, SI, PS-Kotwali.
Mr. Sarthak Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.07.2025**

1. The present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of Criminal Procedure Code, 1973²), seeks quashing of FIR No. 140/2018³ dated 26th May, 2018, registered under Sections 308, 323, 506 and 34 of the Indian Penal Code, 1860⁴, registered at P.S. Kotwali and proceedings emanating therefrom. A chargesheet was then filed in the said FIR against Yash Aggarwal (Petitioner No.1), Prem (Petitioner No. 2), Pinto Aggarwal (Petitioner No. 3), Aditya Aggarwal (Petitioner No. 4), Mahesh Aggarwal (Petitioner No. 5) and Aman Aggarwal under the same Sections. Charges were framed against the

¹ "BNSS"

² "CrPC"

³ "the impugned FIR"

⁴ "IPC"



accused persons by order dated 5th November, 2019 passed by ASJ (Central), Tis Hazari Courts, Delhi. However, by the said order, Aman Aggarwal was discharged.

2. Subsequently, on a complaint made by Petitioner No.5, a cross FIR No. 141/2018 dated 26th May, 2018, was also registered under Sections 323, 341, 506 and 34 IPC at P.S. Kotwali against Rakesh Gupta (Respondent No. 2) and Puneet Gupta (Respondent No. 3), emanating from the same set of facts.

3. Briefly stated, the case against the Petitioners is that on 26th May, 2018, Respondent No. 2, i.e., Rakesh Gupta (the Complainant), on reaching his shop at around 2:30 PM, was informed that his son had been involved in a fight and taken by the police for recording his statement. While proceeding towards the Police Station, he encountered Mahesh Aggarwal outside Kuchan Mahajani, who allegedly abused him, threatened to kill him, and tore his shirt. After returning to his shop and changing clothes, the Complainant stepped out and was again confronted by Mahesh Aggarwal and his sons, Yash and Aditya. It is alleged that Yash, wielding an iron shutter handle, assaulted the Complainant on the head, and when the Complainant's staff intervened, Aditya struck them with a wooden plank (*phatta*). The Complainant states that he lost balance and fell unconscious, and was thereafter taken to the hospital by local shopkeepers for treatment.

4. With the intervention of mutual friends, colleagues, and other respected members of society, Respondents No. 2 to 6 have amicably resolved all disputes and differences with the Petitioners. In view of this settlement, they have expressed their desire not to pursue the proceedings arising from the present FIR. The Petitioners, for their part, have extended



an unequivocal apology to Respondents No. 2 to 6 and have also consented to the compounding of cross FIR No. 141/2025 registered at P.S. Kotwali.

5. In furtherance of this mutual understanding, a Settlement Agreement dated 3rd March, 2025, has been executed between the parties. A copy of the said agreement has been placed on record and duly perused by the Court. As per the agreement, the Respondents have agreed to cooperate and not object to the quashing of the impugned FIR. A no-objection affidavit to this effect is on record. The Petitioners, in turn, had agreed to compound proceedings in FIR No. 141/2018 registered at P.S. Kotwali which was pending before JMFC, Central, Tis Hazari Court. In fact, the offences stand compounded and proceedings have been disposed of by order dated 10th May, 2025, passed by Judge, Lok Adalat. The Petitioners had also agreed to withdraw any other pending proceedings arising from the current facts. The parties, who are present in person and duly identified by the Investigating Officer, confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily.

6. In light of the above, the Parties seek quashing of the impugned FIR and all proceedings arising therefrom.

7. The Court has considered the above-mentioned submissions. It is noted that while the offence under Section 308 of IPC is non-compoundable, offences under Sections 323 and 506 of IPC are compoundable by the person so hurt and the person so intimidated, respectively. It is well settled that in the exercise of its inherent powers under Section 528 BNSS (now Section 482 Cr.P.C.), 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 clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



either of the aforesaid two objectives.”

[Emphasis Supplied]

9. Although, it is true that an offence under Section 308 of IPC cannot be treated as ‘*in personam*’, meaning it affects the society at large and not just the individual complainant, 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 and the victims in the present case have categorically expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary. Moreover, the cross FIR No. 141/2018 registered at P.S. Kotwali, arising out of the same set of facts already stands compounded. 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 528 of the BNSS to secure the ends of justice.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners and Respondents No. 2-6 are directed to deposit INR 5000/- each with the Delhi Police Welfare Fund.



11. In view of the foregoing, the present petition is allowed and the impugned FIR No. 140/2018 registered under Sections 308, 323, 506 and 34 of IPC at P.S. Kotwali is quashed. Accordingly, all proceedings emanating from the above-mentioned impugned FIR are also quashed subject to payment of costs. Proof of payment be given to the concerned IO/SHO within two weeks from today.

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

13. Accordingly, the petition is disposed of along with pending applications, if any.

SANJEEV NARULA, J

JULY 21, 2025

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