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

+ **W.P.(CRL) 1219/2025, CRL.M.A. 11554/2025**

OVESH ALIS AAVES KHAN AND ORS

.....Petitioners

Through: Mr. Irfan Khan, Advocate.

versus

STATE NCT OF DELHI AND OTHERS

.....Respondents

Through: Mr. Sanjay Lao, SC with
Mr. Abhinav Kumar and Mr. Aryan
Sachdeva, Advocates for State.
Mr. Pankaj Kumar, SI, PS-Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.05.2025

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. 395/2023 under Sections 308/341/34 of the Indian Penal Code, 1860³, registered at P.S. Jyoti Nagar and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioners is that a complaint was lodged by the Complainant (Respondent No. 2), who resides at House No. 116, Gali No. 04, Kardampuri, Shahni Bazar, Delhi, along with his family, including his three brothers and one sister. He alleged

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



that on 2nd June, 2023, at approximately 3:00 PM, a verbal altercation ensued between the Complainant's wife, Saba (Respondent No. 3), and his father, Jahiruddin (Petitioner No. 3), concerning the removal of a hydroling machine from the premises of the house for work-related purposes. Following this altercation, the Complainant's elder brother, Ovesh (Petitioner No. 1), physically assaulted him with a metal pipe that was lying within the house. It is further alleged that his other brother, Umair (Petitioner No. 2), and his father (Petitioner No. 3) also joined in the assault. When the Complainant's wife intervened in an attempt to shield him from the attack, the Petitioners allegedly turned upon her as well and subjected her to physical assault. As a result of the said incident, the Complainant purportedly sustained a grievous injury to his head, from which bleeding ensued. Consequently, based on the Complainant's statement, the subject FIR was registered.

3. The Petitioners state that they are all family members, residing within the same household, and that they have amicably resolved the dispute with Respondent Nos. 2 and 3. Pursuant to this settlement, a Mutual Agreement Deed dated 7th April, 2025, was executed between the Petitioners and Respondent Nos. 2 and 3. A copy of the Mutual Agreement Deed has been placed on record and perused by the Court. As per its terms, Respondent Nos. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give their no objection to the quashing of the subject FIR.

4. During the course of the present proceedings, the joint statement of Respondent Nos. 2 and 3 was recorded before the Joint Registrar of this Court on 21st May, 2025, wherein they confirmed that they have voluntarily



and without any pressure or coercion from anyone, settled all their issues and disputes with the Petitioners. They stated that they have executed the MoU with the Petitioners out of their own free will, and that they do not wish to pursue the subject FIR and have no objection if the same is quashed.

5. Counsel for the Petitioners is present in Court *via* video conferencing mechanise. In light of the amicable resolution between the parties, he seeks quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 308 of IPC is non-compoundable, Section 341 of IPC is compoundable by the person restrained. 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 an exercise in futility.”

[Emphasis added]

⁴ (2012) 10 SCC 303



7. 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 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]

⁵ (2014) 6 SCC 466



8. Although the offence under Section 308 of the IPC 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.

9. 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.

10. In view of the foregoing, the present petition is allowed, and FIR No. 395/2023, registered at P.S. Jyoti Nagar, as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of a cost of INR 3,000/- each by the Petitioners to the Delhi Police Welfare



Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned IO.

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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