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

+ CRL.M.C. 2681/2025, CRL.M.A. 12031/2025

DHEERAJ KAPOOR

.....Petitioner

Through: Mr. Amit, Mr. Jatin Yadav, Advs.
with petitioner in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Mukesh Kumar, APP for State.
W/SI Neelu, PS Dwarka North, Distt.
Dwarka.
Ms. Sakshi Tanwar, Adv. for R-2
with R-2 (through V/C).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.05.2025

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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. 553/2020 dated 27th October, 2020, registered under Sections 354/506 of the Indian Penal Code, 1860³, registered at P.S. Dwarka North and all proceedings emanating therefrom.

2. The impugned FIR was filed on the basis of a complaint filed by Respondent No. 2, wherein she alleges that on 10th September, 2020, at around 10:30 AM, she was going to the temple when suddenly the Petitioner, who lives in the same society as Respondent No. 2, came near

¹ "BNSS"

² "CrPC"

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him and started doing some vulgar gestures. She ignored him at first, but then the Petitioner tried to touch her with wrong intentions, she got scared and went inside the temple. When she came outside again, he was found roaming around outside and again made vulgar actions. Facing this, the Respondent No. 2 got furious and slapped the Petitioner and went home, where she narrated the incident to her husband.

3. Counsel for the Petitioner, present in the Court, points out the FIR emanating from a civil dispute between the parties. He submits that, in fact, there is also a cross FIR lodged by the Petitioner against the Complainant. The Complainant, who has joined the proceedings through Video Conferencing, states that she has resolved her disputes with the Petitioner. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the impugned FIR against him. Pursuant to this settlement, on 23rd January, 2025, a Memorandum of Understanding/Settlement Agreement between the Petitioner and Respondent No. 2. was executed before the Mediation Centre, Dwarka Courts, New Delhi.

4. A copy of the MoU/Settlement 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 her no objection to the quashing of the subject FIR.

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 23rd April, 2025, wherein Respondent No. 2 confirmed that

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she has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the Petitioner. She stated that she has executed the MoU with the Petitioner out of her own free will and stated that she 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 *via* video conferencing and is identified by the IO, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks 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 354 of IPC is non-compoundable and Sections 506 of IPC is compoundable by the person so intimidated and the woman whose modesty was insulted, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 582 BNSS (earlier Section 482 of CrPC), 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

⁴ (2012) 10 SCC 303

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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]

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 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*

⁵ (2014) 6 SCC 466

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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 354 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 her 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 528 of BNSS to secure the ends of justice.

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10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund.

11. In view of the foregoing, the present petition is allowed and FIR No. 533/2020 under Sections 354/506 of the Indian Penal Code, 1860, registered at P.S. Dwarka North, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 21, 2025/akc

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