



\$~72

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2821/2025**

AMIT KUMAR

.....Petitioner

Through: Mr. Ravi Rathore, Mr.
Dheeraj Kumar, Mr.
Yogesh Kumar Rai, Advs.
along with petitioner in
person.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Kiran Bairwa, APP
for the State.
ASI Sanjeev Kuma, PS
Burari.
Respondent No. 2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
16.05.2025

%

1. The present petition is filed seeking quashing of FIR No. 175/2019 ('**FIR**') registered at Police Station Burari for offences under Sections 323/354/506 of the Indian Penal Code, 1860 ('**IPC**') and the judgment dated 22.07.2024 (hereafter '**impugned judgment**') passed by the learned Trial Court in CR. Case No. 13373/19, on the basis of the settlement arrived at between the parties.

2. The FIR was registered on a complaint given by Respondent No. 2. It is alleged that on 13.05.2019 at about 4:00 PM, the petitioner came to the parlour of Respondent No. 2 and molested her. It is alleged that when Respondent No. 2 objected to the same, the petitioner gave beatings to her.

CRL.M.C. 2821/2025

Page 1 of 6



3. By the impugned judgment, the learned Trial Court convicted the petitioner for the offences under Sections 354/323 of the IPC.

4. Further, by the order on sentence dated 07.09.2024 (hereafter '**impugned order on sentence**'), the petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine for a sum of ₹5,000/- for the offence under Section 354 of the IPC and in default of payment of fine, to undergo simple imprisonment of one month. The petitioner was also sentenced to undergo simple imprisonment for a period of one month for offence under Section 323 of the IPC.

5. The impugned judgment and the impugned order on sentence were thereafter challenged by the petitioner by an appeal being CA No. 416/2024, and the same is pending adjudication before the learned Court of Sessions.

6. The learned counsel for the petitioner submits that the parties have amicably entered into a settlement. He submits that it is a settled law that the parties can enter into a settlement even post the judgment of conviction and the same can be a ground for quashing of the proceedings by the High Court while exercising power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**') (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973).

7. He further submits that Respondent No. 2 and the petitioner have settled their disputes and have entered into a Memorandum of Understanding dated 19.09.2024, without any force, fear, coercion, inducement or pressure of any kind and without any consideration.

8. The parties are present in Court and have been duly identified by the Investigating Officer.



9. Respondent No. 2, on being asked, states that she will be satisfied if she is adequately compensated.

10. The appellant is present in the Court and states that considering his financial condition, he will be in a position to pay a sum of ₹1,00,000/- as monetary compensation to Respondent No. 2. On being asked, Respondent No. 2 states that she is satisfied with the said amount and further states that she has no objection if the FIR and the proceedings emanating therefrom are quashed.

11. In the present case, the compromise has been reached between the parties after the conviction of the petitioner.

12. The Court in exercise of the power under Section 528 of the BNSS is empowered to pass orders to secure the ends of justice. While the High Court should be slow in quashing the proceedings when the parties compromise the matter at a belated stage, however, the High Court is not precluded from quashing the conviction upon settlement between the victim and the accused person. The Hon'ble Apex Court, in the case of **Ramgopal v. State of M.P. : (2022) 14 SCC 531**, had observed as under:

"12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482CrPC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out



punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh v. State of Punjab* [*Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and *Laxmi Narayan* [*State of M.P. v. Laxmi Narayan*, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706].”

(emphasis supplied)

13. It is implicit that in circumstances where a settlement is arrived at after a conviction, the Courts, while quashing the FIR and the consequential proceedings emanating therefrom, must exercise their discretion judiciously. The same requires careful consideration of the circumstance in which the incident occurred, the manner in which the compromise was achieved, and the assessment of the nature and seriousness of the offence.

14. In the present case, Respondent No. 2 has categorically stated that she does not wish to pursue any proceedings against the petitioner, and has no objection if the FIR and the consequential proceedings emanating therefrom are quashed.

15. It has been pointed out that the petitioner had preferred an appeal against the impugned judgment and the impugned order on sentence, and that the same is pending adjudication before the learned Court of Sessions. Concededly, the petitioner has been



convicted for the offences under Sections 323/354 of the IPC. Section 323 of the IPC is compoundable whereas Section 354 of the IPC is non-compoundable in nature.

16. While the appeal against the impugned judgment and the impugned order on sentence is pending, upon a consideration of the totality of circumstances, this Court is of the opinion that the continuation of the proceedings would only cause undue hardship to the parties. The parties have amicably resolved all their disputes and the same also fructified into a settlement deed dated 19.09.2024.

17. Keeping in view the facts and circumstances of the present case, and the fact that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and that the continuance of the proceedings would be an abuse of the process of law.

18. However, since the State machinery has been put to motion and the settlement is arrived at such a belated stage, ends of justice would be served if the petitioner is put to cost.

19. In view of the above, the present petition is allowed and the FIR No. 175/2019 and all consequential proceedings arising therefrom are quashed subject to payment of a cost of ₹30,000/- by the petitioner, to be deposited with the Delhi Police Welfare Society, within a period of four weeks from today. Consequently, the impugned judgment and the impugned order on sentence are also set aside.

20. Further since the FIR No. 175/2019 and all the consequential proceedings arising therefrom are quashed, the appeal filed by the petitioner being CA No. 416/2024 does not survive and the same is rendered infructuous.

21. It is however made clear that if the amount of ₹1,00,000/-



is not paid within a period of four weeks to Respondent No. 2, the State is at liberty to file an appropriate application for recall of the present order.

22. Let the proof of payment of compensation to the victim and the proof of deposit of cost be submitted to the concerned SHO.

23. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

MAY 16, 2025

“SK”