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

+ CRL.M.C. 2826/2025, CRL.M.A. 12634/2025, CRL.M.A.
12635/2025

KAVITA AND OTHERS

.....Petitioners

Through:

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Mukesh Kumar, APP for State
with Ms. Usha Rani, SI, PS-Jaffar Pur
and Ms. Sunita, SI, DPA Jharoda.
Mr. B. S. Jakhar, Mr. Vikram Singh
Jakhar, Mr. Neeraj Jakhar, Ms.
Bhawna Jakhar, Mr. Nihar Dagar, Mr.
Shubham Dabas, Ms. Anjali Vashisht,
Mr. Sahil Kaushik and Mr. Viraj
Rathee, Advocates for R-2, 3.

+ CRL.M.C. 2853/2025, CRL.M.A. 12735/2025

RAVI AND OTHERS

.....Petitioners

Through: Mr. B. S. Jakhar, Mr. Vikram Singh
Jakhar, Mr. Neeraj Jakhar, Ms.
Bhawna Jakhar, Mr. Nihar Dagar, Mr.
Shubham Dabas, Ms. Anjali Vashisht,
Mr. Sahil Kaushik and Mr. Viraj
Rathee, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Mukesh Kumar, APP for State
Ms. Usha Rani, SI, PS-Jaffar Pur and
Ms. Sunita, SI, DPA Jharoda.



CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.07.2025**

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seeking quashing of cross FIRs, the details of which are as follows:

(i) In CRL.M.C. 2826/2025 - FIR No. 72/2017 dated 11th April, 2017 under Sections 323/354(B)/506/509/34 of the Indian Penal Code, 1860,³ registered at P.S. Jaffarpur Kalan, Delhi, against co-accused persons Chanderveer, Ravinder and Ramesh.

(ii) In CRL.M.C. 2853/2025 - FIR No. 73/2017 dated 11th April, 2017, under Sections 323/354(B)/452/506/509/34 of IPC, registered at P.S. Jaffarpur Kalan, Delhi, against co-accused persons Ravi, Laxman and Sashi.

2. The FIR No. 72/2017 against three accused persons – Chanderveer, Ravinder and Ramesh - was filed on the complaint of X⁴; and whereas, FIR No. 73/2017 was filed against three accused persons – Ravi, Laxman and Sashi – on a complaint made by Y⁵.

3. Briefly stated, the case of the Complainant against Chanderveer, Ravinder, and is that on 10th April, 2017, at approximately 8 AM, Chanderveer molested the complainant's daughter while she was standing alone on the road near a rickshaw. When her brother came to rescue her,

¹ "CrPC"

² "BNSS"

³ "IPC"

⁴ Identity of the Complainant not revealed in the said FIR.

⁵ Identity of the Complainant not revealed in the said FIR.



Chanderveer slapped him and fled. Upon returning home, the complainant found that all three accused persons along with one Happy and their wives had gathered there. The accused persons collectively assaulted the complainant, her son, and daughter, tore their clothes, hurled abuses, and attempted sexual offenses against the complainant and her daughter while threatening them with rape. Ramesh and Ravinder were under the influence of alcohol, and Chanderveer threatened to shoot the complainant. Police were called at 8:30 AM and they arrived around 9:00 AM. The complainant and her son were taken to Jafarpur Hospital for medical examination. Consequently, FIR was registered under sections 323/354B/506/509/34 IPC on 11th April, 2017 after obtaining MLCs from R.T.R.M. Hospital.

4. On the other hand, the Complainant, wife of one of the accused persons, in the FIR No. 73/2017, filed a complaint against accused persons Ravi, Laxman and Sashi, stating that on 10th April, 2017, around 8:30 AM, the accused persons came to the house of the complainant collectively physically assaulted the Complainant, her son and daughter, tore their clothes and hurled abuses at them. Ravi even threatened to kill the Complainant and her children. The Complainant was taken to Jafarpur Hospital for medical examination. Consequently, FIR was registered under sections 323/354B/506/509/34 IPC on 11th April, 2017.

5. In both of the above cross FIRs, the chargesheets have been filed against the respective accused persons and the matter is pending consideration of the Trial Court. All of the Petitioners submit that during the pendency of the trial proceedings in the above cases, on the intervention of relatives and respectable persons of society, all of the parties have amicably settled the dispute between themselves. In this regard, the Petitioners in both



cases submit that they have also executed a Memorandum of Understanding⁶ dated 28th March, 2025. The said MoU is executed between all the parties:

- i. Laxman, co-accused in FIR No. 73/2017;
- ii. Ramrati, wife of co-accused Laxman;
- iii. Jaswinder, son of co-accused Laxman;
- iv. Ravi, co-accused in FIR No. 73/2017;
- v. Krishna, mother of co-accused Ravi;
- vi. Priyanka, sister of co-accused Ravi;
- vii. Y, complainant in FIR no. 73/2017 and wife of one of the accused persons;
- viii. Chanderveer, co-accused in FIR no. 72/2017;
- ix. Ravinder, co-accused in FIR no. 72/2017;
- x. Ramesh, co-accused in FIR no. 72/2017

6. As per the MoU, both the complainants, have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross FIRs. A copy of the MoU has been placed on record, and is perused by the Court. In view of this settlement, the parties present in Court have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter amicably with assistance of their family members.

7. The Court has considered the submissions of the parties. While the offence under Sections 354B of IPC are non-compoundable, Sections 323 506, and 509 of IPC are compoundable. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 BNSS), the

⁶ “MoU”



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.

8. The Supreme Court in ***Gian Singh v. State of Punjab & Anr.***⁷ 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 an exercise in futility.”

9. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁸ 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.

⁷ (2012) 10 SCC 303

⁸ (2014) 6 SCC 466



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.”

[Emphasis Supplied]

10. While it is true that offence under Section 354B of IPC is not offences in *personam*, meaning it affects society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the parties have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

11. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 3,000/- each with the Delhi Police Welfare Fund.

12. In view of the foregoing, the present petitions are allowed and FIR No. 72/2017 under Sections 323/354B/506/509/34 of IPC and FIR No.



73/2017 under Sections 323/354B/506/509/34 of IPC, both registered at P.S. Jaffarpur Kalan are quashed. Accordingly, all proceedings emanating from the above two FIRs are also quashed.

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

14. Accordingly, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

JULY 10, 2025

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