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

+ **CRL.M.C. 2831/2025**

HIMANSHU @ SONU

.....Petitioner

Through: Mr. Atul Kumar, Ms. Deepali,
Advocates with Petitioner in person

versus

STATE (GOVT OF NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Narender, PS Vikaspuri

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.05.2025

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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. 363/2009 dated 1st November, 2009³, registered under Section 363 of the Indian Penal Code, 1860⁴, at P.S. Vikaspuri and all proceedings emanating therefrom.

2. The impugned FIR was filed on the basis of a complaint made by – Kailash (Respondent No. 2), in which it was alleged that his daughter Kiran (Respondent No. 3), who was a minor at the time, had been abducted by

¹ “BNSS”

² “CrPC”

³ “impugned FIR”

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Himanshu @ Sonu (Petitioner). However, it is submitted that Respondent No.3 has subsequently married the Petitioner and is now living happily along with him. From this marriage, they also have a child of approximately 14 years of age. Respondent No. 3 states that she has no grievance against the Petitioner.

3. The charge sheet in the present case stood filed on 29th January, 2011. However, it is submitted that the parties, with the intervention of common friends, colleagues and other respectable members of society, have amicably resolved all their disputes. Furthermore, Respondent Nos. 2 and 3 have decided not to pursue the impugned FIR against the Petitioner. Affidavits to this effect, on behalf of both Respondent Nos. 2 and 3, are also on record.

4. On 28th April, 2025, statements of Respondent Nos. 2 and 3 were recorded before the Joint Registrar wherein they confirmed the matter has been amicably settled between the parties, and gave their no objection to the quashing of the impugned FIR and all other proceedings emanating therefrom.

5. In light of the foregoing, Counsel for the parties jointly prayed for the quashing of the impugned FIR. Respondent Nos. 2 and 3, who are present before the Court and identified by the Investigating Officer, confirm their statement made to the Court and gave their no objection to the quashing of the impugned FIR.

6. The Court has considered the submissions of the parties. While the offence under Section 354A of IPC is non-compoundable, however, it is well established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of CrPC), can compound offences

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which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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.

⁵ (2014) 6 SCC 466

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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]

7. Similarly, in the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.**,⁶ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

⁶ (2017) 9 SCC 641

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16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

8. Although the offence under Section 363 of IPC cannot be treated as strictly ‘in personam’, and it touches upon public concerns rather than being

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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. Respondent No. 2 and 3, in the present case, have categorically expressed their unwillingness to pursue the matter further and have 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.

9. Keeping in mind that the Petitioner has also been implicated under Section 174A of IPC, and the State Machinery has been put to motion, the ends of justice would be served if the Petitioner is put to cost.

10. In view of the foregoing, the present petition is allowed and FIR No. 306/2009 dated 1st November, 2009, registered under Section 363 of IPC, at P.S. Vikaspuri, as well as all consequential proceedings arising therefrom are quashed, subject to payment of cost of INR 3,000/- to the Delhi Police Welfare Fund within a period of 2 weeks from today. The proof of payment of cost be submitted with the concerned SHO.

11. Accordingly, the petition is disposed of along with pending

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application(s).

SANJEEV NARULA, J

MAY 19, 2025/ab

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