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

+ CRL.M.C. 2876/2025, CRL.M.A. 12871/2025 & CRL.M.A.
12872/2025

MR NARENDER SINGH & ANR.

.....Petitioners

Through: Mr. Kumar Shashwat, Mr. Vaibhav
Chaurasiya, Ms. Snigdha Singh, Ms.
Sonakshi Banga, Advocates with
Petitioners in person

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with ASI Ved Prakash, SI
Abhishek Rana, PS Dwarka South
Delhi
Mr. Rishav, Advocate for R-2 with R-
2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 135/2025³ dated 16th March, 2025, registered under Sections 110 and 3(5) of the Bharatiya Naya Sanhita, 2023⁴ at P.S. Dwarka South, and all proceedings emanating therefrom.

2. The Respondent No. 2 – the Complainant, a student from Gurugram,

¹ “BNSS”

² “Cr.P.C.”

³ “the impugned FIR”

⁴ “BNS”



alleged that on 14th March, 2025, around 09:30 PM, when he and his friend Ashish were at a coffee stall, a man who was later identified as Rajesh Singh (Petitioner No. 2), attempted to take away their liquor bottles which had been kept on a bench. When confronted, an altercation ensued, and Petitioner No. 2 called one Narender Singh (Petitioner No. 1), who arrived with 4–5 other persons. The group then allegedly assaulted the Respondent No. 2 and Ashish, during which Respondent No. 2 was struck on the head with a stone, causing injuries. Based on this, the impugned FIR No. 135/2025 was registered under Sections 110 and 3(5) of the BNS.

3. 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 Petitioners and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Mutual Settlement Agreement dated 01st April, 2025, has been executed between the Petitioners and Respondent No. 2. A copy of the Settlement Agreement is placed on record and perused by the Court.

4. As per the settlement, Respondent No. 2 has resolved all disputes and differences with the Petitioners and has agreed to voluntarily give his no objection to the quashing of the impugned FIR. In furtherance of the settlement, the Petitioners have duly compensated Respondent No. 2 for all expenses incurred for medical treatment and provided suitable compensation regarding the treatment and care, and the injuries caused.

5. Respondent No. 2, who appears in person and is identified by his counsel, has unequivocally stated that he does not wish to pursue the present proceedings against the Petitioners. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. A



no-objection to this effect is also on record. The Petitioners are also present in person and are duly identified by the Investigating Officer. In light of the amicable resolution, the parties seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the above-mentioned submissions. While an offence under Section 110(3) of BNS is non-compoundable, it is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C. (now Section 528 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.***⁵ 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]

7. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁶ 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

8. Although, the offence under Section 110 of the BNS cannot be treated as ‘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 528 of the BNSS to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 135/2025 under Sections 110 and 3(5) of the BNS, registered at P.S. Dwarka South and all proceedings emanating therefrom are hereby quashed, subject to the Petitioners depositing a cost of ₹10,000/- each with the Delhi Police Welfare Fund. Proof of such payment shall be furnished to the concerned Station House Officer.

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

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

SANJEEV NARULA, J

JULY 18, 2025/ab