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

+ CRL.M.C. 2972/2025 and Crl.M.A. Nos. 13226/2025 & 13227/2025

SHRESHTH GUPTA AND ORSPetitioners

Through: Ms.Soumya Johari and Mr.Gaurav Singh, Advocates

versus

STATE GOVT NCT OF DELHI AND ANRRespondents

Through: Mr.Hemant Mehla, APP for State with SI Ravi Malik and SI Lal Chand, PS Vasant Kunj (South)
Mr.Navin Bainsla, Mr.Rajesh Bansal and Mr.Omvir Singh Chechi, Advocates for R-2

+ CRL.M.C. 2995/2025 and Crl.M.A. Nos. 13320/2025 & 13321/2025

RAGHAV MALIK AND ANR.Petitioners

Through: Mr. Navin Bainsla, Mr. Rajesh Bansal and Mr. Omvir Singh Chechi, Advocates for R-2

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State with SI Ravi Malik and SI Lal Chand, PS Vasant Kunj (South)
Ms. Soumya Johari and Mr. Gaurav Singh, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
08.05.2025

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1. The present petitions under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of Criminal Procedure Code, 1973²), seek quashing of FIRs, detailed below:

(i) In CRL.M.C. 2995/2025 - FIR No. 190/2025 dated 15th April, 2025, registered under Sections 115(2), 126(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Vasant Kunj, against accused persons Raghav Malik and Rahul Malik; and

(ii) In CRL.M.C. 2972/2025 - FIR No. 192/2025 dated 16th April, 2025, registered under Sections 115(2), 126(2), 351(2) and 3(5) of BNS at P.S. Vasant Kunj, against accused persons Shreshth Gupta, Rahul Gupta and Rajiv Gupta.

2. *FIR No. 190/2025* was registered on the basis of a complaint lodged by Shreshth Gupta, while *cross FIR No. 192/2025* arose out of a counter-complaint filed by Raghav Malik. The parties involved in both FIRs are closely related to one another. They have amicably resolved their differences and have mutually agreed to put an end to the disputes by seeking quashing of both FIRs

3. Briefly stated, the case of the Complainant - Shreshth Gupta in FIR No. 190/2025 is that on 14th April, 2025, the Complainant's family was attending the wedding of his brother-in-law, one Archit Khurana. Among the attendees were Archit's relatives namely, Raghav Malik and Rahul Malik. They were clearly inebriated and were forcing Archit to drink as well. Seeing this, the Complainant and his brother Rahul Gupta intervened, which resulted in a confrontation. They were soon able to pacify it however

¹ "BNSS"

² "CrPC"



the accused persons threatened them that they'll teach them a lesson. Then, around 12:30 AM, when Complainant and his brother were in the restroom, they discovered that both the accused were already waiting for them there. They started threatening and attacked the Complainant and his brother. Rahul Gupta was struck in the face by Rahul Malik, which caused him to fall. On the other hand, the Complainant was grabbed, and his head was smashed into the bathroom mirror. Rahul Malik, then, picked up a shard from the broken mirror and attempted to stab the Complainant in the abdomen. However, upon hearing the commotion, family members of the parties arrived and intervened. Later on, Raghav and Rahul were waiting outside the gate, seemingly planning to attack again, however the Complainant's father, Rajiv Gupta, called the police and upon their arrival, the accused persons fled. The police then took Shreshth, Rahul and Rajiv Gupta to Safdarjung Hospital by a PCR van, where they received treatment before returning home. On 15th April, 2025, the Police called them to P.S. Vasant Kunj and recorded their statements, post which FIR No. 190/2025 was registered.

4. On the other hand, the case of the Complainant – Raghav Malik in FIR No. 192/2025 is that on 14th April, 2025, the Complainant's family was attending the wedding of his sister-in-law's son Archit Khurana. Among the attendees were Archit's relatives namely Shreshth Gupta, Rahul Gupta and Rajiv Gupta. The Complainant alleges that both Shreshth and Rahul Gupta had consumed alcohol by that time and were using abusive language at the venue's entrance. Soon, Shreshth Gupta began verbally abusing Rahul Malik i.e., the Complainant's brother. The Complainant and his brother chose to

³ "BNS"



ignore them and stepped away from the stage. Then, around 12:30 AM, the Complainant and his brother went to the washroom where shortly after, they were both met by Shreshth and Rahul Gupta. In there, the Complainant's brother warned them not to touch him again, however the accused did not listen, and the altercation ensued in a fight. During the fight, Rahul Malik's head was smashed into the bathroom mirror, which caused it to break. The glass shards from the broken glass were then used to attack the Complainant's hand. Upon hearing the commotion, the family members of the parties arrived and stopped the scuffle. Subsequently, Rajiv Gupta, father of the other two accused, was found standing at the venue's gate, where he started assaulting the Complainant and his brother, and was heard instructing someone to bring a sword and a pistol from the car. As a result, the Complainant's brother called the Police. Upon the Police's arrival, the accused persons Shreshth, Rahul and Rajiv Gupta were taken to Safdarjung Hospital by a PCR van while the Complainant and his brother went to Deen Dayal Hospital, Hari Nagar, for treatment before returning to their partner Inderjeet Singh Gill's residence. On 16th April, 2025, the Police called the Complainant and his brother to P.S. Vasant Kunj and recorded their statements, post which cross FIR No. 192/2025 was registered.

5. The present petitions have been instituted on the ground that the parties have amicably resolved their disputes of their own volition, without any coercion, pressure, or undue influence. In furtherance of this settlement, a Memorandum of Understanding/Settlement Deed dated 21st April, 2025, has been executed between the parties, the relevant details of which are as follows:

i. Rajiv Gupta (an accused in FIR No. 192/2025)



- ii. Rahul Gupta (an accused in FIR No. 192/2025)
- iii. Shreshth Gupta (an accused in FIR No. 192/2025)
- iv. Rahul Malik (an accused in FIR No. 190/2025)
- v. Raghav Malik (an accused in FIR No. 190/2025)

6. As per the terms of the settlement, the parties have voluntarily and mutually resolved their disputes without any element of coercion, undue influence, or fraud. The resolution has been arrived at on mutually agreed terms, duly recorded in the Settlement Deed. In terms thereof, the parties have agreed to withdraw all legal proceedings pending between them before various fora. In view of the above, the Petitioners seek quashing of the subject FIRs, which are presently pending before the concerned Trial Courts. A copy of the Settlement Deed has been placed on record and has been duly perused by this Court.

7. On 2nd May, 2025, in CRL.M.C.2972/2025, statement of Respondent No. 2 i.e., Raghav Malik was recorded before the Joint Registrar, wherein he affirmed that he and his brother Rahul Malik have settled the matter with the Petitioners of their own free will, without any coercion, pressure or undue influence. He submitted that the parties have settled all of their disputes and that he had no objections to the quashing of the impugned FIR. As noted in the order dated 5th May, 2025, statement of Rahul Malik, brother of Respondent No.2 and a victim in impugned FIR, was also recorded before the Joint Registrar.

8. Furthermore, in CRL.M.C. 2995/2025, statements of Respondent No. 2 i.e., Shreshth Gupta and Soumya Johari (Counsel for injured Rahul Gupta) were recorded before the Joint Registrar on 2nd May, 2025. In his statement, Respondent No. 2 affirmed that he has settled the matter with the Petitioners



of his own free will, without any pressure or coercion from anyone. He further affirms that he entered into the Memorandum of Understanding/Settlement Deed on his own free will and has no objections to the quashing of the impugned FIR. Simultaneously, Soumya Johari (Counsel for injured Rahul Gupta) was recorded, whereby the Counsel stated on instructions that Rahul Gupta has voluntarily settled the dispute and has entered into the Settlement Deed without any pressure or coercion.

9. The Complainants, who are present before the Court in person and have been identified by the IO as well as their Counsels, confirm the Settlement Deed before this Court and state that they have no objection to the quashing of the subject FIRs. They further confirm that they have taken the decision to settle the disputes voluntarily and out of their free will. Moreover, all the Petitioners (accused persons) are present before the Court and identified by the IO. In light of the amicable settlement between the parties, the Petitioners in both the cases pray that subject FIRs be quashed.

10. The Court has considered the submissions of the parties. While the offence under Section 351(2) of BNS is non-compoundable, the offences under Sections 115(2) and 126(2) of BNS are compoundable. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (erstwhile 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 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.”

11. 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.”

[Emphasis Supplied]

12. Although, the offences under Sections 115(2), 126(2) and 351(2) of

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



BNS cannot be treated as strictly ‘in personam’, and they touch 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 Complainants 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 582 of BNSS to secure the ends of justice.

13. However, since the State machinery was set in motion based on the impugned FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, each of the Petitioners, in both the petitions, are directed to deposit INR 5,000/- with the Delhi Police Welfare Fund.

14. In view of the foregoing, the present petitions are allowed and FIR No. 190/2025 dated 15th April, 2025, registered under Sections 115(2), 126(2), 351(2) and 3(5) of BNS at P.S. Vasant Kunj, as well as FIR No. 192/2025 dated 16th April, 2025, registered under Sections 115(2), 126(2),



351(2) and 3(5) of BNS at P.S. Vasant Kunj, are hereby quashed. Consequently, all proceedings emanating from the abovementioned two FIRs are also quashed.

15. It is expected that the parties shall abide by the terms of settlement.
16. Accordingly, the petitions are disposed of.
17. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

MAY 8, 2025/SV