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

+ CRL.M.C. 3039/2025, CRL.M.As. 13505-06/2025

SH. PRIYANSHU

.....Petitioner

Through: Mr. Amit Kumar, Adv with
petitioner.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Tejdutt, PS Hari Nagar, HC
Devender, PS Moti Nagar.
Mr. Harshit Jain, Mr. Praveen Jain,
Mr. Arstu Bhatt, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.11.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 167/2023 registered under Sections 279/337 of the Indian Penal Code, 1860³ at P.S. Hari Nagar, Delhi and all consequential proceedings emanating therefrom.

2. The case of the Prosecution emanates from a complaint filed by Respondent No. 2, Sh. Kanti Lal, Sub-Inspector, CRPF, posted at Tihar Jail, New Delhi. It is alleged that on 3rd June, 2023, while the complainant was

¹ "BNSS"

² "CrPC"



on duty at Gate No. 3 of Tihar Jail, the Petitioner, while riding a Bullet motorcycle at a high speed and in a negligent manner, struck the complainant, causing him to fall and suffer injuries. Based on this statement, the subject FIR was registered. Upon conclusion of investigation, chargesheet was filed against the Petitioner for the offence under Sections 279 and 338 of the IPC and Sections 5/180/181 of the Motor Vehicles Act, 1988.

3. The parties have amicably resolved their disputes, and Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. In furtherance of this settlement, the parties have executed a Settlement Agreement dated 8th November, 2024 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi, copy whereof is placed on record and has been perused by this Court. As per the terms of settlement, the Petitioner has agreed to pay a sum of INR 2,00,000/- to Respondent No. 2, who, in turn, has agreed to give his no objection to the quashing of the subject FIR.

4. The complainant, who appears in person and is duly identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. He states that in terms of the Settlement Agreement, he has already received a sum of INR 1,00,000/- from the Petitioner; the balance amount of INR 1,00,000/- has been handed over to the complainant by way of a demand draft, during the course of the proceedings. The same is received and acknowledged by Respondent No. 2. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising

³ “IPC”



therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 279 of the IPC is non-compoundable, Sections 337 and 338 of IPC are compoundable in certain cases, with the permission of the Court. Further, offences under Sections 180/181 of MV Act are compoundable on payment of the fees, as may be notified by the State Government in the Official Gazette.

6. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (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.**⁴ 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.**,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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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.

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 279 of the IPC cannot be treated as strictly ‘*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.

9. 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 482 of the Cr.P.C. to secure the ends of justice.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit costs of INR 5,000/- with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of deposit be submitted with the concerned Investigating Officer.

11. In view of the foregoing, the present petition is allowed. FIR No. 167/2023, P.S. Hari Nagar, Delhi, as well as all consequential proceedings arising therefrom are quashed in so far as they relate to the offences under Sections 279, 337 and 338 of the IPC. As regards the offences under the MV Act, which are compoundable, the Petitioner shall deposit the prescribed compounding fee before the concerned Trial Court within six weeks. Upon



such deposit, the proceedings in respect of those offences shall also stand closed.

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

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

SANJEEV NARULA, J

NOVEMBER 10, 2025

Pallavi/CS