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

+ **CRL.M.C. 3110/2025 & CRL.M.A. 13725/2025**

LALIT SINGH

.....Petitioner

Through: Mr. Anurag Nasiar, Mr. Rachit Khandelwal and Ms. Kritika Anand, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP with Mr. Shamir Mehra, Advocate for State.
Mr. Anshul Sharma and Ms. Kirti Rana, Advocates for R-2.
Inspector Ajay and SI Sandeep, P.S. Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.05.2025**

1. The present petition filed 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. 729/2021 dated 2nd August, 2021, registered under Sections 392 and 411 of the Indian Penal Code, 1860³, at P.S. Punjabi Bagh and all proceedings emanating therefrom. This request is made in light of the amicable settlement reached between the parties, as evidenced by the Memorandum of Settlement executed on 22nd April, 2025 between the Petitioner and Respondent No. 2. A copy of the aforementioned Settlement Agreement has been duly placed on record.

¹ "BNSS"

² "Cr.P.C."



2. Briefly stated, the case of the Complainant – Sonu Ram (the Respondent No. 2), is that on 2nd August, 2021, at about 9:30 PM, he was returning back home on his cycle and while he was near Club Road Flyover, around Metro Pillar No. 102, in Punjabi Bagh, an individual driving a motor cycle asked him to stop. The individual requested from him his phone for making a call, reasoning that his balance had run out. However, as soon as the Complainant took out his phone, the individual snatched it, pushed the Complainant aside and started running away. However, the Complainant got up and ran after the individual and threw him off the motorcycle. The Complainant took back his phone and called the police. Once they arrived, upon inquiry, the individual was identified as one Lalit Singh (the Petitioner). On the basis of the statement given by the Complainant, the impugned FIR came to be registered.

3. In the present matter, charge sheet has been filed against the Petitioner. However, the Petitioner submits that during the pendency of the proceedings before the Trial Court, the parties have amicably settled the matter based on their own free will, without any coercion, pressure or undue influence and a Memorandum of Settlement dated 22nd April, 2025, has been executed between the Petitioner and Respondent No. 2. A copy of this settlement has been duly placed on the record.

4. On 5th May, 2025, the statement of Respondent No. 2, who was duly identified by the Investigating Officer, was recorded before the Joint Registrar wherein he verified that the matter has been amicably settled between the parties and gave his no objection to the quashing of the impugned FIR, and all the proceedings emanating therefrom. To this effect,

³ “IPC”



an Affidavit by Respondent No. 2 is also on record. In light of the foregoing, counsel for the parties jointly prayed for the quashing of the impugned FIR.

5. The Court has considered the submissions of the parties. While the offence under Section 392 of IPC is non-compoundable, Section 411 of IPC is compoundable in certain circumstances. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (earlier 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 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 exercise in futility.”

[Emphasis added]

6. 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:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

7. Although the offences 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. The Complainant in the present case has categorically expressed her 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 BNSS to secure the ends of justice.

8. 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 INR 5,000/- with the Delhi Police Welfare Fund.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 729/2021 dated 2nd August, 2021, registered under Sections 392 and 411 of IPC, at P.S. Punjabi Bagh and all proceedings emanating therefrom are hereby quashed.

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

MAY 27, 2025/as