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

+ **CRL.M.C. 3692/2019 & CRL.M.A. 32366/2019**

BALJEET SINGH PARASHAR

.....Petitioner

Through: Mr. M.N Dudeja, Mr. Aditya Mishra,
Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Rajani Yadav, PS
Mandir Marg, New Delhi

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.05.2025

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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. 24/2017³ registered under Sections 354A, 354D, 509 of the Indian Penal Code, 1860⁴ at P.S. Mandir Marg and all other proceedings emanating therefrom. In the said FIR, chargesheet has been filed under Sections 354A, 354D, 341, 509 of IPC.

2. The impugned FIR was registered on a complaint made by Respondent No. 2 alleging that, the Petitioner, who was a fellow teacher at the same school, had been harassing her from the day she joined the school.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"

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She stated that he would make offensive gestures and would often stare at her with *malafide* intention. In this regard, she filed a complaint to the school's principal which was sent to the management committee however, no punitive action was taken against him and he was left with a warning. In particular, she cited one incident that took place on 18th August, 2015 when the Petitioner tried to talk to her forcefully by blocking her way despite her attempt to avoid him. Another complaint was then made and the Internal Complaints Committee was instituted. However, the ICC found no substance in the allegations made by Respondent No. 2.

3. The parties were referred to Delhi High Court Mediation and Conciliation Centre where they resolved their disputes and differences and executed a Settlement Agreement dated 25th March, 2025. As per the said Agreement, Respondent No. 2 has given her no-objection to the quashing of the impugned FIR. For ease of reference, the relevant terms of the Settlement Agreement are reproduced below:

"1. The parties have agreed that the First Party (Baljeet Singh Parashar) shall give an unconditional apology to the Second Party (Dr. Lata Singh). The Second Party (Dr. Lata Singh) has agreed to accept the unconditional apology of the First Party (Baljeet Singh Parashar) with the hope that he will respect women in the future.

2. The First Party (Baljeet Singh Parashar) shall also pay a sum of Rs. 1,50,000/- i.e. Rs. 75000/- [Rupees Seventy Five Thousand Only] each to the two NGO's namely Kailash Satyarthi Children Foundation, Address At: L-64, Kalkaji New Delhi-110019 and Sewa NGO Address At: 7/5, South Patel Nagar New Delhi-110008 working for Women Empowerment by way of pay order/Demand draft/online on or before the next date of hearing i.e. 07.04.2025 with advance copy of receipt of amount to be provided to the Second Party.

3. The First Party (Baljeet Singh Parashar) agrees that he shall withdraw the CRL.REV. P. 194/2023 on account of his present settlement with the Second Party (Dr. Lata Singh).

4. The Second Party (Dr. Lata Singh) undertakes to appear in Cri.M.C. 3692/2019 before Hon'ble High Court of Delhi on 07.04.2024 or any other date given by the court and give her

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statement of no objection for quashing of the FIR No.24/2017 under Section 354A/354D/341/5p9 IPC, Police Station Mandir Marg.

5. That it is agreed between the parties that they have settled all their disputes and grievances in terms of present agreement. The Parties have declared that there is no other case pending between them. It is agreed between the parties that they shall not file any suit, petition, complaint or any case (Criminal & Civil) etc. against each other or against the parents/family members of each other in future with regard to the present incident. It is further agreed that in case any other case/complaint/suit/proceeding etc, other than those which have been disclosed by parties in present agreement, is detected in future to have been filed by any party against other Party, even the same shall be deemed to be compromised/compounded/settled/withdrawn in terms of present settlement. 6. The present settlement has been arrived at between the Parties by their own volition, free will and without any pressure, fear or coercion and after fully understanding the terms of the same.

7. The Parties agree that the terms of the present Settlement have been read over to them by the Mediator in vernacular (Hindi) in the presence of their respective counsels and they have understood the same in its true letter and spirit and undertake to abide by the same.

8. By signing this Settlement Agreement the parties hereto state that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the Parties hereto through the process of Mediation.

9. That the parties undertake to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter in future.”

4. In light of the foregoing, counsel for the parties jointly prayed for the quashing of the impugned FIR. Respondent No. 2, who is present before this Court and identified by the Investigating Officer, confirms that she has executed the aforesaid Settlement Agreement out of her own free will and without any pressure, fear or coercion. She gives her unequivocal no objection to the quashing of the FIR. In accordance with the terms of the settlement, the Petitioner has made the payments to the identified Non-Government Organisations.

5. The Court has considered the afore-noted facts. Notably, offences

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under Sections 354A and 354D of IPC is non-compoundable while offence under Sections 341 and 509 of IPC is compoundable in certain cases with the permission of the Court.

6. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of Cr.P.C.), can compound offences 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.

⁵ (2014) 6 SCC 466

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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. 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.

⁶ (2017) 9 SCC 641

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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.

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

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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. Considering the nature of dispute and the fact that the parties have amicably entered into a settlement, this Court is of the opinion that the present case is fit to exercise jurisdiction under Section 582 of BNSS as no purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.
9. In view of the above, the impugned FIR No. 24/2017 and all other proceedings emanating therefrom are hereby quashed.
10. The present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

MAY 6, 2025/ab

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