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

+ **W.P.(CRL) 1672/2025 & CRL.M.A. 15622/2025**

KAVITA SUMAL & ANR.

.....Petitioners

Through: Mr. Mohan Sharma, Ms. Sushma Maindola along with Ms. Sabiya Advocates along with Petitioners (in person).

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, SC for the State, Mr. Abhinav Arya and Mr. Aryan Sachdeva along with SI Manish Dahiya, PS Budh Vihar
Mr. Amit Thakur, Mr Manoj Kumar along with Manish Gupta, Advocates for R-2 with R-2 (in person)

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

% **11.08.2025**

1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 62/2025 under Sections 333/115(2)/126/74/351/79/3(5) of the Bharatiya Nyaya Sanhita, 2023³, registered at P.S. Budh Vihar along

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



with all proceedings emanating therefrom.

2. The Prosecution's case, as set out in the complaint of Respondent No. 2, is that on the date of the incident, Petitioner No. 2, who resides in the house opposite to that of the Complainant, allegedly abused her over a dispute concerning garbage while she was alone at home with her two children. When the Complainant protested, the Petitioners allegedly used indecent language against her. It is further alleged that Petitioner No. 2 and his family attacked the Complainant with a revolver, and Petitioner No. 1 forcibly broke the locket of the Complainant's gold chain. When she resisted, Petitioner No. 2 attacked on her arm and touched her inappropriately. Petitioner No. 1 is also alleged to have threatened her with dire consequences should she pursue legal action, warning that her husband would be harmed if she lodged a complaint. On the basis of this statement, the impugned FIR came to be registered.

3. The parties state that, with the intervention of common friends, colleagues, and other respected members of society, they have amicably resolved all their disputes and differences. Respondent No. 2 has decided not to pursue the subject FIR. A Settlement Agreement dated 24th April, 2025 executed between the Petitioners and Respondent No. 2, has been placed on record and perused by the Court. As per its terms, the parties have amicably resolved their disputes and differences. Pertinently, the Petitioners had also lodged an FIR bearing No. 63/2025 against Respondent No. 2, which has been quashed by this Court today in W.P. (CRL) 1707/2025. Further, it is noted that although the FIR states that the Complainant sustained bruises as a result of the alleged incident; however, no injuries were attributed to the use of the revolver, and no firearm was reported to be recovered.



4. Respondent No. 2, who appears in person and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR. She confirms the execution of the Settlement Agreement and affirms that her decision to settle the matter is voluntary, free from coercion or undue influence. The Petitioners, who are also present and duly identified by the Investigating Officer, seek quashing of the subject FIR and all proceedings arising therefrom in view of the amicable resolution between the parties.

5. The Court has considered the submissions of the parties. While the offences under Sections 333 and 74 of the BNS are non-compoundable, Sections 115(2), 126, 351 and 79 of BNS are compoundable in certain cases, with the permission of the Court. 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]



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:

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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



him by not quashing the criminal cases.”

[Emphasis Supplied]

7. Although the offences under Sections 333 and 74 of the 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 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 482 of the Cr.P.C. to secure the ends of justice.

8. However, considering the State machinery was set in motion based on the impugned cross FIRs, the ends of justice will be served if the parties are put to cost.

9. In view of the foregoing, the present petition is allowed and FIR No. 62/2025 P.S. Budh Vihar, as well as all consequential proceedings arising therefrom are hereby quashed subject to payment of a cost of INR 5,000/- by



each of the parties to the Delhi Police Welfare Fund, within six weeks. Proof of payment to be submitted to the concerned IO.

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

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

SANJEEV NARULA, J

AUGUST 11, 2025/MK