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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3600/2025**
NEERAJ JHAPetitioner

Through: Mr. Ashok Manta, Advocate with
Petitioner (in-Person).

versus

STATE OF NCT DELHI AND ANRRespondents
Through: Mr. Hemant Mehla, APP for State.
Mr. Saurabh Kumar, Advocate for R-
2 with R-2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.09.2025**

CRL.M.A. 15859/2025 *(seeking condonation of delay of 109 days in re-filing the petition)*

1. For the grounds and reasons stated therein, the application is allowed and the delay of 109 days in re-filing the petition is condoned.
2. The application stands disposed of.

CRL.M.C. 3600/2025

3. 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. 772/2015 dated 27th July, 2015, registered under Sections 506/509 of the Indian Penal Code,

¹ "BNSS"

² "CrPC"



1860³ at P.S. K.N. Katju Marg, Delhi and all consequential proceedings emanating therefrom.

4. Briefly stated, the case of the prosecution against the Petitioner is as follows:

4.1. On 26th July, 2015, upon receipt of DD No. 84B, the police reached Sector-16, Rohini, where the complainant was present with her husband and a crowd had gathered. At the spot, the Petitioner, Neeraj Jha, was found under the influence of alcohol and abusing the complainant. The complainant handed over a written complaint alleging that while she was having food with her husband, the accused made obscene gestures towards her. She further stated that since Diwali of the previous year, the accused had been in the habit of winking at her and giving flying kisses, and on 26th July, 2015, when she objected and called the police, he hurled filthy abuses and threatened her.

4.2. During investigation, the site plan was prepared, statements of witnesses were recorded, and the accused was arrested and later released on bail as the offences were bailable. The complainant's statement under Section 164 CrPC was recorded before the Magistrate, wherein she reiterated her allegations. Upon completion of investigation, a chargesheet was filed against the Petitioner implicating him for the offences punishable under Sections 354A, 509, and 506 IPC.

5. The parties state that, with the intervention of family members and respectable members of the society, the complainant/Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a

³ "IPC"



Compromise Deed was executed between the Petitioner and Respondent No.2.

6. A copy of the Compromise Deed has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner, keeping in mind that the parties are residents of the same vicinity, and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

7. The complainant/Respondent No. 2, present in person and duly identified by her counsel, has unequivocally stated before this Court that she does not wish to pursue the FIR any further. She affirms that her decision to settle the matter is voluntary, and that it has been arrived at free from coercion, pressure, or undue influence. In view of the amicable settlement recorded between the parties, the Petitioner prays for quashing of the FIR and all proceedings emanating therefrom.

8. The Court has considered the submissions of the parties. While the offence under Section 354A of IPC is non-compoundable, the offences under Sections 506 and 509 of IPC are compoundable in certain cases.

9. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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

⁴ (2012) 10 SCC 303



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]

10. 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

⁵ (2014) 6 SCC 466



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]

11. Although the offence under Section 354A of the IPC cannot be characterised as strictly ‘*in personam*’ in nature, for it implicates larger societal concerns relating to the dignity of women, the Court cannot be unmindful of the practical realities governing criminal adjudication. The Complainant has categorically expressed her unwillingness to pursue the matter any further and has confirmed that the settlement is voluntary and free from coercion. Once the complainant is no longer inclined to support the prosecution, the likelihood of securing a conviction becomes remote and uncertain. The Supreme Court has consistently recognised that where the complainant has voluntarily and unequivocally entered into a *bona fide* settlement, and has chosen not to support the prosecution, it would be appropriate for the Court to bring the matter to a close rather than prolonging the trial. The balance between public interest and private settlement must, therefore, be struck by recognising that in the circumstances of the present case, continuation of the prosecution would serve no useful purpose.

12. 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 CrPC (corresponding to Section 528 of BNSS) to secure the ends of justice.

13. In view of the foregoing, the present petition is allowed and FIR No. 772/2015 dated 27th July, 2015, registered at P.S. K.N. Katju Marg, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

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

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

16. Accordingly, the petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 18, 2025

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