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

+ CRL.M.C. 3626/2025

SUNNY KUMAR@SANI KUMAR

.....Petitioner

Through: Mr. Ghanshyam, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with Mr. Randeep, SI, PS-North
Rohini.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.09.2025**

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. 471/2021 dated 3rd October, 2021, registered under Section 363 of the Indian Penal Code, 1860³ at P.S. North Rohini, Delhi and all consequential proceedings emanating therefrom.

2. Briefly, the case of the prosecution against the Petitioner is that on 3rd October, 2021, the victim (minor daughter at the time of Respondent No.2/Complainant) went missing from their residence during her absence. The Complainant alleged the Petitioner of having lured and taken the victim away. Based on her statement, the impugned FIR was registered.

¹ "BNSS"

² "CrPC"



3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the impugned FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 10th April, 2025, was executed between the Petitioner and Respondent No. 2.

4. A copy of the MoU 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 and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

5. At this juncture, it is noted that since the present case pertains to the alleged kidnapping of the victim, who was a minor at the time of the incident but has since attained the age of majority, the parties are directed to file an amended memo of parties impleading the victim as Respondent No. 3.

6. Furthermore, considering that the victim has now attained the age of majority, the MoU ought to have been executed with her as well. Nonetheless, the victim is present before this Court along with her mother (Complainant) and has been duly identified by the Investigating Officer. The victim affirms that she had voluntarily accompanied the Petitioner of her own free will, without any inducement, coercion, or undue influence. The Petitioner is also present in person and has been duly identified by the Investigating Officer. In view of the settlement and the statement of the victim, the parties pray for the quashing of the impugned FIR.

³ “IPC”

⁴ “MoU”



7. The Court has considered the submissions of the parties. It is noted that the offence under Section 363 of IPC is non-compoundable. However, 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.***⁵ 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]

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁶ 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. 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.

10. The victim, in the present case, has categorically stated that she



voluntarily accompanied the Petitioner, thereby nullifying the essential ingredients of the offence under Section 363 of IPC. 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 is a fit case for the Court to exercise its jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and the impugned FIR No. 471/2021 as well as all consequential proceedings arising therefrom are hereby quashed.

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

13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

SEPTEMBER 9, 2025

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