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

+ CRL.M.C. 3742/2025, CRL.M.A. 16421/2025

JUGAL KISHOR

.....Petitioner

Through: Mr. Rajesh Kumar Singh, Mr. Rohish Aroira, Mr. Sagar Roy and Mr. Amit Bidhuri, Advocates with Petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehal, APP for State with Mr. Akshay Dagar, SI and Mr. Sasir Hussain, SI, PS-Shaheen Bagh.
Mr. Farrukh Tabish, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.09.2025**

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. 0323/2021, registered under Section 308 of the Indian Penal Code, 1860³ at P.S. Shaheen Bagh, Delhi and all consequential proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioner

¹ "BNSS"

² "CrPC"



emanates from a complaint lodged by Respondent No. 2, alleging that on 26th September, 2021, at approximately 7:15 P.M., while he was present at Kalindi Kunj Parking, Shaheen Bagh, the Petitioner, who was engaged in checking tickets for park entry, allegedly slapped a child who did not possess an entry ticket. Upon witnessing this incident, the Complainant confronted the Petitioner, which led to a verbal altercation. It is alleged that during the course of the altercation, the Petitioner physically assaulted the Complainant on his head using an iron pipe and a *danda*, as a result of which the Complainant sustained a bleeding injury. Based on this complaint, the subject FIR was registered against the Petitioner under Section 308 IPC. Upon conclusion of investigation, chargesheet was filed against the Petitioner for the said offence.

3. Pertinently, a cross FIR bearing No. 325/2021, P.S. Shaheen Bagh was registered by the Petitioner against the Complainant for the offences under Sections 341/323 IPC. The said FIR has been quashed by this Court in CRL.M.C. 3747/2025.

4. 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 present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 7th February, 2025 has been executed between the Petitioner and Respondent No. 2, a copy whereof has been placed on record and perused by the Court.

5. As per its terms, Respondent No. 2 has mutually resolved all disputes

³ “IPC”

⁴ “MoU”



and differences with the Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 10,000/- to Respondent No. 2 as final settlement amount.

6. In view of the settlement, the Complainant, who has appeared before the Court *via* video conferencing and is identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 308 of the IPC is non-compoundable, 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

⁵ (2012) 10 SCC 303



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 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

⁶ (2014) 6 SCC 466



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. Although the offence under Section 308 of the IPC 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.

10. The Complainant in the present case has categorically expressed his 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.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner.

12. In view of the foregoing, the present petition is allowed; and FIR No. 0323/2021, P.S. Shaheen Bagh, as well as all consequential proceedings



arising therefrom are hereby quashed, subject to the payment of INR 10,000/- by the Petitioner with the Delhi Police Welfare Fund, within a period of four weeks from today.

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

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

SANJEEV NARULA, J

SEPTEMBER 8, 2025

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