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

+ CRL.M.C. 3802/2025 & CRL.M.A. 16623/2025

ABHISHEK & ORS.

.....Petitioners

Through: Mr. Vicky Rexwal, Mr. Aditya, Mr.
Vipin Kumar, Advocates

versus

GOVT. OF N.C.T. OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Ajay Chauhan, PS
Kalindi Kunj

+ CRL.M.C. 4834/2025 & CRL.M.A. 20941/2025

ZAHID ANWAR & ORS.

.....Petitioners

Through: Mr. Akhil Rexwal, Mr. Vinod Kumar
Rexwal, Advocates

versus

STATE & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Ajay Chauhan, PS
Kalindi Kunj

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.10.2025

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1. The present petitions under Section 482 of the Code of Criminal



Procedure, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seek quashing of two cross-FIRs arising from the same incident dated 19th September, 2024.

(i) CRL.M.C. 3802/2025 pertains to: FIR No. 330/2024 dated 20th September, 2024 under Sections 191(2), 191(3), 190 and 109(1) of the Bharatiya Nyaya Sanhita, 2023³, registered at P.S. Kalandi Kunj, at the instance of Zahid Anwar against Abhishek, Rakesh, Satish and Rohit.

(ii) CRL.M.C. 4834/2025 relates to: FIR No. 329/2024 dated 20th September, 2024 under Sections 191(2), 191(3), 190 and 109(1) of the BNS, registered at P.S. Kalandi Kunj, at the instance of Abhishek against Zahid Anwar, Daud, Subhan, Md. Meraj, Mohammad Shakir.

2. The genesis of the dispute lies in a minor road accident. As per the allegations in FIR No. 330/2024, Zahid Anwar was riding a motorcycle with Md. Meraj as a pillion rider near Ramleela Park when their vehicle accidentally brushed against a child. Following this, the accused Rohit, Mayank @ Nonu, Rakesh, Satish, and Abhishek allegedly assaulted Zahid and Meraj with sticks and bricks. When Zahid's associates, namely Sheru, Daud, and Subhan, attempted to intervene, Mayank @ Nonu allegedly stabbed Zahid in the waist, and the others continued the assault using bricks and stones. Based on this complaint, the present FIR was registered against the accused persons. Since Mayank @ Nonu was found to be a juvenile at the time, his case was referred to the Juvenile Justice Board and has already been disposed of.

3. On the other hand, FIR No. 329/2024 was registered on the complaint

¹ "CrPC"

² "BNSS"



of Abhishek, in connection with the same occurrence. He alleged that his neighbour, Mayank @ Nonu, was involved in a minor collision when a motorcycle driven by Zahid Anwar, with Md. Meraj as pillion, came into contact with him. When Abhishek's brother, Rohit, cautioned them to drive carefully, Zahid and Meraj allegedly began abusing and manhandling him. Abhishek and Mayank @ Nonu intervened, leading to a scuffle. About ten minutes later, Zahid Anwar allegedly returned with Sheru, Daud, Subhan, and others, armed with sticks and stones, and assaulted Abhishek and his family. When Rohit and Mayank @ Nonu attempted to intervene, they too were attacked. This complaint led to registration of FIR No. 329/2024.

4. The parties have amicably resolved their disputes with the intervention of their family members and other respected persons from the community. In furtherance of this settlement, Settlement Agreements dated 15th April, 2025 and 23rd April, 2025 have been executed between the parties, copies whereof are placed on record, and have been perused by the Court. As per the terms thereof, all disputes and differences stand amicably settled, and both sides have voluntarily expressed that they have no objection to the quashing of the respective FIRs.

5. The statement of the contesting Respondents in CRL.M.C. 3802/2025, was recorded before the Joint Registrar of this Court, pursuant to which the following order was passed on 27th May, 2025:

"1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking quashing of the FIR No. 330/2024 Under Section 191(2), 191(3), 190, 109(1) of BNS, 2023 PS Kalandi Kunj Delhi on the basis of family settlement deed arrived at between the petitioners and R-2 to 6.

³ "BNS"



2. *As per the submissions, the matter between the petitioners and R-2 to 6 has been amicably settled. Learned counsel for petitioners submits one more accused is Juvenile and vide order of learned Juvenile Justice Board he has been discharged. P-4 is present in Court through virtual mode and vide separate submission made he stated that matter has been amicably settled.*

3. *Concerned IO is directed to file the report with regard to the previous involvement of petitioners, if any, before the next date of hearing.*

4. *Vide separate statement recorded in this behalf, P-1 to 3 stated that dispute between petitioners and R-2 to 6 has been amicably settled as per the settlement deed dated 15.04.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 to 6 stated that dispute between R-2 to 6 and petitioners has been amicably settled as per the settlement deed dated 15.04.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.*

5. *The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.*

6. *Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.*

7. *The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.*

8. *It is observed that notice of the present petition has not been served upon R-1. As prayed, let notice to R-1 be served by all permissible modes on filing of PF for the next date of hearing. Let notice be issued to R-1 to be served through Standing Counsel for the next date of hearing.*

9. *Renotify on 04.09.2025."*

6. A perusal of the record, including the statements recorded before the Joint Registrar, the settlement deeds dated 15th April, 2025 and 23rd April, 2025, and the affidavits filed by the parties, leaves no manner of doubt that the disputes between them have been amicably settled. The statements of the parties, as well as the report of the Investigating Officer, confirm that the



settlement has been entered into voluntarily, without coercion, pressure, or undue influence. Although the parties are not present before the Court today, the factum of settlement stands duly established through the material placed on record. Both sides have unequivocally expressed their no objection to the quashing of the FIRs. In view thereof, the petitions are founded on a genuine and lawful compromise between the parties.

7. The Court has considered the aforementioned contentions. While the offences under Sections 109(1), 190, 191(2) and 191(3) of the BNS are 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.

8. The Supreme Court in ***Gian Singh v. State of Punjab & Anr.***⁴ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

⁴ (2012) 10 SCC 303



9. 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.”

[Emphasis Supplied]

10. Although the offences under Sections 109(1) and 191 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.

⁵ (2014) 6 SCC 466.



11. The Complainants in both FIRs have categorically expressed their unwillingness to pursue the matter further and have 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.

12. In view of the foregoing, the present petitions are allowed, and FIR No. 330/2024 and FIR No. 329/2024, both registered at P.S. Kalandi Kunj as well as all proceedings emanating therefrom are hereby quashed.

13. However, since the State machinery was set in motion based on the subject FIRs, it is appropriate to impose costs on the parties. Accordingly, all the parties are directed to deposit a cost INR 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of payment be submitted with the concerned IO.

14. The parties shall abide by the terms of settlement.

15. Accordingly, the petitions are disposed of, along with pending applications.

SANJEEV NARULA, J

OCTOBER 16, 2025/ab