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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3861/2025**
MANISH KUMARPetitioner

Through: Mr. Deepak Kumar, Advocate with
Petitioner in person

versus

**STATE OF NCT OF DELHI THROUGH SHO PS - GREATER
KAILASH & ANR.**Respondents

Through: Mr. Mukesh Kumar, APP with Mr.
Vineet Awana and Mr. Siddharth
Goyal, Advocates State with SI
Arvind Kumar, PS Greater Kailash-I,
Delhi
Mr. Ashish Dabas, Advocate for R-2
with Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
31.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 39/2018³ under Sections 279 and 337 of the Indian Penal Code, 1860⁴, registered at P.S. Greater Kailash and all proceedings emanating therefrom. Subsequently, a chargesheet has been filed against the Petitioner under the aforesaid provisions.

2. The impugned FIR was registered pursuant to a complaint lodged by

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"



Respondent No. 2, who alleged that on 27th March, 2018, at around 1:30 PM, while he was crossing the road, he was hit by a speeding two-wheeler that had jumped a red light. As a result of the collision, he fell on the road. The rider of the two-wheeler reportedly transported him to Malviya Nagar Government Hospital but left the premises after admitting him. Respondent No. 2 thereafter returned to the site of the incident and called the PCR, following which he was taken to AIIMS Hospital for further treatment.

3. The disputes between the Petitioner and Respondent No. 2 have been amicably resolved, and Respondent No. 2 no longer wishes to pursue the impugned FIR. In furtherance of the settlement, the parties have executed a Memorandum of Understanding dated 25th March, 2025. In terms thereof, the Petitioner has paid a sum of INR 20,000/- to Respondent No. 2, who has, in turn, agreed not to object to the quashing of the FIR.

4. The Petitioner and Respondent No. 2 have appeared in person before the Court and have been duly identified by the Investigating Officer. Respondent No. 2 states that he does not wish to pursue the FIR proceedings any further. He confirms that the settlement has been entered into voluntarily, without any coercion or undue influence and acknowledges having received a sum of INR 20,000/- from the Petitioner. Additionally, the Petitioner has agreed to pay a further sum of INR 10,000/- to Respondent No. 2 today, which has also been duly received and acknowledged by the said Respondent.

5. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the impugned FIR and all proceedings arising therefrom.

⁴ “IPC”



6. The Court has considered the submissions of the parties. While the offence under Section 279 of IPC is non-compoundable, Sections 337 of IPC is compoundable, with the permission of the Court.

7. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C (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 supplied]

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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 him by not quashing the criminal cases.”

[Emphasis Supplied]

9. 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 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.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 39/2018 and all proceedings emanating therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

JULY 31, 2025

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