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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1809/2025**
YOGESH KUMAR VERMA AND ORSPetitioners

Through: *Appearance not given*

versus

STATE NCT OF DELHI AND ANRRespondents
Through: **Mr. Sanjay Lao, SC (Crl.) for State.**
SI Harsh, P.S. Pahar Ganj.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **28.10.2025**

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. 232/2024 dated 23rd April, 2024, registered under Sections 323/324/34 of the Indian Penal Code, 1860³ at P.S. Pahar Ganj and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that Respondent No.2/Complainant and her husband were working in a music band at “Jhakaash Bar”, Panchkuian Road, Delhi. It is alleged that when she demanded refund of INR 5,00,000/- given as security deposit, Ankit @ Abhinay (Petitioner No.3), who was

¹ “BNSS”

² “CrPC”

³ “IPC”



managing the bar, called her outside, where he allegedly assaulted her with a sharp object and also beat her husband. Accordingly, the impugned FIR came to be registered. During investigation, the statement of the Complainant under Section 164 Cr.P.C. was recorded, wherein she made further allegations that Petitioner No. 3 along with Yogesh (Petitioner No.1), Ajay (Petitioner No.2) and Vivek (Petitioner No.4) had called her to a room, abused and assaulted her, disrobed her, brandished weapons and touched her private parts. She further alleged that the Petitioners had physically assaulted both her and her husband with sharp objects. Based on the said statement and upon completion of investigation, a charge-sheet was filed against the Petitioners under Sections 354/354B/323/324/506/509/34 of IPC.

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 Petitioners and has decided not to pursue the impugned FIR against them. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 28th January, 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 Petitioners and has agreed to voluntarily give her no objection to the quashing of the impugned FIR. An affidavit to this effect has also been placed on record.

5. The Complainant, who has appeared before the Court and is identified by the Investigating Officer, has unequivocally stated that she does not wish to pursue the impugned FIR proceedings. She has confirmed that her



decision to settle the matter is voluntary and made without any pressure, influence, or coercion.

6. Considering the nature of allegations recorded in her statement under Section 164 Cr.P.C., the Court has interacted with the Complainant at length, in the presence of her counsel, to ascertain her stance. She has deposed voluntarily, fully conscious of her legal rights and the implications of the statements made before the Court. Upon a specific query regarding those allegations against the Petitioners, the Complainant clarified that her statement under Section 164 Cr.P.C. was made under a misunderstanding and on the basis of legal advice received at the time. She has further stated that the allegations relating to brandishing of weapons and inappropriate touching are incorrect, and that there was only an altercation during which her dupatta was pulled.

7. The Court has considered the submissions of the parties. While the offences under Sections 354/354B/324 of IPC are non-compoundable, Sections 323/506/509 of IPC are compoundable in certain cases.

8. 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

⁴ “MoU”

⁵ (2012) 10 SCC 303



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]

9. 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.

⁶ (2014) 6 SCC 466



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]

10. Although the offences under Section 354/354B/324 of the IPC 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.

11. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further. As already noted, she has clarified her position before the Court and stated that the earlier allegations recorded in her Section 164 Cr.P.C. statement were made under a misunderstanding and are not correct. It is also not in dispute that no weapon was recovered during investigation. In view of her present stand and the absence of any recovery, the possibility of conviction is remote. Given this background, continuation of the proceedings would serve no useful purpose and only burden the justice system. Considering the overall circumstances



and the legal principles settled by the Supreme Court, this Court deems it a fit case for exercise of jurisdiction under Section 482 Cr.P.C. to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and impugned FIR No. 232/2024 at P.S. Pahar Ganj as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

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

SANJEEV NARULA, J

OCTOBER 28, 2025

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