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

+ **CRL.M.C. 3966/2025 & CRL.M.A. 17285/2025**

SANJAY GUPTA AND ANR

.....Petitioners

Through: Mr. Akshay Bhatia, Advocate with
Petitioners in person.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.

SI Geeta Yadav, PS: Model Town.

Ms. Sunaina, Advocate for
Complainant.

Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.09.2025

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. 402/2015, registered under Section 509 of the Indian Penal Code, 1860³ at P.S. K.W. Camp/Model Town and all consequential proceedings emanating therefrom.
2. Briefly stated, the case of the Prosecution against the Petitioners emanates from a complaint filed by Respondent No. 2, who was employed as a domestic help by one Uma Devi. It is alleged that on 5th June, 2012, at

¹ "BNSS"

² "CrPC"

³ "IPC"



about 8:30 AM, while the Complainant was engaged in household chores after attending to Uma Devi, she was summoned and asked to return a gold chain. The Complainant denied possession of any such chain, asserting that none had been on Uma Devi's person since morning. Uma Devi raised an alarm, prompting a search by other domestic staff. When the chain was not found, another servant examined the Complainant's bag and, upon finding nothing, contacted the Petitioners. It is alleged that Petitioner No. 1, over the phone, abused and threatened the Complainant, demanding return of the chain. Further, Petitioner No. 2 allegedly compelled the Complainant to remove her clothes in the presence of male servants for a personal search. When the search yielded nothing, the Complainant was allegedly evicted from the premises. Based on the statement of the Complainant, the FIR was registered. Upon conclusion of investigation, chargesheet was filed under Sections 354B and 509 of the IPC. Thereafter, *vide* orders on charge dated 23rd January, 2023, Petitioner No. 1 was charged under Section 509 IPC, while Petitioner No. 2 under Section 354 IPC.

3. The parties have amicably resolved their disputes and differences. Respondent No. 2 has expressed her decision not to pursue the FIR against the petitioners. In furtherance of this understanding, a Memorandum of Understanding dated 16th January, 2025 has been executed between the Petitioners and Respondent No. 2, whereby all disputes and differences have been mutually settled. Respondent No. 2 has voluntarily agreed to give her no objection to the quashing of the subject FIR.

4. The statements of parties were recorded before the Joint Registrar, pursuant to which the following order was passed on 29th 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. 402/2015 Under Section 354B/509 IPC PS Model Town Delhi on the basis of family settlement deed arrived at between the petitioners and R-2.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled. Learned counsel for petitioners submits that P-2 is not available today and he shall be ensuring the presence of P-2 on the next date of hearing.

3. Vide separate statement recorded in this behalf, P-1 stated that dispute between him and R-2 has been amicably settled as per the settlement deed dated 16.01.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. He has signed the settlement deed with his wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per the settlement deed dated 16.01.2025. 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.

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

5. 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.

6. 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.

7. 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.

8. Renotify on 04.09.2025."

5. Respondent No. 2, who is present in person and duly identified by the Investigating Officer, states that she has no objection to the quashing of the FIR. She confirms that her decision to settle the matter is voluntary and free from coercion or undue influence. She further affirms that she has not demanded any monetary consideration from the Petitioners. However, the Petitioners have voluntarily paid her a sum of ₹30,000/- in cash as a



goodwill gesture to compensate for any inconvenience caused. Respondent No. 2 acknowledges receipt of the amount and has executed a receipt, which is taken on record. In light of the amicable resolution, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 354 and 354B of the IPC are non-compoundable, Section 509 of the IPC is compoundable in certain cases, with the permission of the Court.

7. 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.**⁴ 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 exercise in futility.”

[Emphasis added]

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the Supreme Court held as follows:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



“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 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 allegations, though serious in tone, stem from a private dispute between the Complainant and the Petitioners in the context of domestic



employment. The Complainant has unequivocally stated before this Court that the settlement is voluntary, without coercion or inducement, and that she has no objection to the quashing of the FIR. Her statement has been duly verified by the Investigating Officer. The Court is satisfied that the compromise is genuine and not a device to stifle prosecution in a matter involving public interest or heinous crime. 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 her unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. The payment of ₹30,000/- by the Petitioners, acknowledged as a goodwill gesture, does not detract from the voluntary nature of the settlement. The Court finds no legal impediment to accepting the compromise. Thus, 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. In view of the foregoing, the present petition is allowed, and FIR No. 402/2015, P.S. K.W. Camp/Model Town 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 4, 2025

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