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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4020/2025 & CRL.M.A. 17495/2025**
SHAILESH KUMAR & ORS.Petitioners

Through: Mr. K.S. Verma and Mr. Rahul Garg,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Hemant Mehla, APP for R-1.
SI Karan Singh and SI Vivek Kr.
Chahar.
Respondent No. 2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.05.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0095/2019 under Sections 323/354/509/506 of the Indian Penal Code, 1860³, registered at P.S. Lodi Colony and all the proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioners is that a complaint was filed by the Complainant (Respondent No. 2), alleging that the Petitioners, who resided in her colony, would routinely harass the residents and tease girls passing by. The Petitioners allegedly lured the

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Complainant's son into organizing a New Year's party on the roof of her house, during which they caused disturbance by playing loud music and making noise late into the night. Thereafter, at approximately 4:00 AM, one of the boys, Kunal (Petitioner No. 2), approached the Complainant seeking permission to collect some belongings left on the roof. The Complainant granted permission; however, while returning from the rooftop, Petitioner No. 2 allegedly forcibly kept his hands on her waist and hugged her, asking her if he could kiss her on her lips. The Complainant responded by stating that she regarded him as her own son and admonished him, saying that such behaviour was inappropriate. However, the Complainant alleged that the misconduct continued. On one occasion, when guests from London were visiting her residence, the Petitioners allegedly threw balloons at them. It is further alleged that they misbehaved with four to five girls passing by, who were employed as housekeepers. Allegedly, one of the boys in the group told the Complainant that he was the son of an SHO, implying that she would not be able to take any action against him. The group would frequently stand in front of her house, allegedly threatening to shoot videos and make them go viral. Consequently, based on the Complainant's statement, the subject FIR was registered.

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 present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 24th May, 2025, was executed between the Petitioners 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 subject FIR.

5. Respondent No. 2 is present before the Court in person, and is duly identified by the Investigating Officer. She states that the Petitioners are her neighbours, and that she has amicably resolved the dispute with the Petitioners. She further states that she has voluntarily entered into the settlement agreement, without any coercion or pressure, and that she has no objection with the quashing of the FIR. An affidavit cum No Objection Certificate to this effect has also been placed on record. In light of the amicable resolution between the parties, 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 offence under Section 354 of IPC is non-compoundable, Sections 323, 506 and 509 of IPC are compoundable by the person to whom the hurt is caused, the person intimidated and the woman insulted or whose privacy was intruded upon, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 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***

⁴ “MoU”

⁵ (2012) 10 SCC 303



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]

7. 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]

8. Although the offence under Section 354 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. 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. 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.

9. In view of the foregoing, the present petition is allowed FIR No.



0095/2019 registered at P.S. Lodi Colony, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 30, 2025

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