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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4188/2025

RAMU

.....Petitioner

Through: Mr. Mithlesh Kumar Jha
and Mr. Kr. Himanshu
Jha, Advs.
Petitioner in person.

versus

STATE GOVT OF NCT & ANR.Respondents

Through: Ms. Richa Dhawan, APP
for the State with SI
Paramjeet, PS Ranhola.
Mr. Chandra Shekhar
Azad, Adv. for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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02.07.2025

1. By the present petition, the petitioner seeks quashing of FIR No. 276/2018 dated 04.04.2018, registered at Police Station Ranhola, for offences under Sections 323/341/354B of the Indian Penal Code, 1860 ('IPC').
2. Chargesheet has been filed against the petitioner for the offences under Sections 323/341/354(B) of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') against the petitioner.
3. It is averred that the parties were neighbours at the time of the incident. The FIR was registered pursuant to a complaint that on 23.04.2017, the petitioner had beaten the minor daughter of the complainant, that is, Respondent No.2, and outraged her modesty by tearing her cloth. It is alleged that the complainant

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had also bitten the finger of the victim with his teeth. The victim / Respondent No. 2 is stated to be 17 years of age at the time of incident.

4. It is pointed out by the learned counsel for both the parties that the FIR was lodged pursuant a minor scuffle between the parties which took place due to some misunderstanding. It is also stated that due to the pre-existing animosity between the parties and their families, two FIRs had been registered at the instance of the petitioner and his family members and two FIRs were registered at the instance of the victim and her family members.

5. It is stated that the parties have since settled their disputes and the family of the victim has also shifted their residence and are no longer staying in the same neighbourhood as that of the petitioner.

6. It is further stated that the petitioner has unconditionally apologised for his behaviour and the parties have decided to move on and live peacefully.

7. The present petition is filed on the ground that the parties have settled their disputes with the intervention of relatives and respectable members of the society by way of Compromise Deed dated 26.05.2025, out of their free will without any fraud, pressure or coercion.

8. The parties are present in Court today and have been duly identified by the Investigating Officer.

9. The victim/ Respondent No.2 is 24 years of age now. On being asked, the victim states that she has since moved on in life and she has no remaining grievance against the petitioner. She states that she does not wish to pursue the proceedings arising out of the present FIR and has no objection if the same is quashed.



10. Offences under Sections 323/341 of the IPC are compoundable whereas offences under Section 354B of the IPC and Section 12 of the POCSO are non-compoundable.

11. It is well settled that the High Court while exercising its powers under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (erstwhile Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Supreme Court had observed as under :-

"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)

12. Similarly, in the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641**, the Hon’ble Supreme Court had observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal



proceeding or complaint ~~should~~ be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)



15. In both the cases, though the charge-sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since Respondent 2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.”

(emphasis supplied)

13. It is not in doubt that the offences under Section 12 of the POCSO and under Section 354B of the IPC are grave in nature. Offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, cannot be said to be offences *in personam* as the same are crimes against the society.

1. The present case, however, seems to have been registered due to minor scuffle between the parties. At the time of the incident, the parties were neighbours and it is stated that the incident took place due to a misunderstanding. Respondent No.2, who is the victim, has stated that she has no remaining grievance against the petitioner and expressed that she does not wish to proceed with the case. She has also stated that she has moved on in life. In the peculiar circumstances of this case, it is unlikely that the present FIR will result in a conviction when Respondent No.2 does not wish to pursue the case. In such circumstances, continuation of the proceedings would only cause ill will to fester between the parties and undue harassment especially since the parties have now settled their disputes and decided to live their



lives peacefully in the future.

14. Keeping in view the fact that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

15. In view of the above, FIR No. 276/2018 and all consequential proceedings arising therefrom are quashed.

16. The petition is allowed in aforesaid terms.

AMIT MAHAJAN, J

JULY 2, 2025

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