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

+ **CRL.M.C. 4341/2025 & CRL.M.A. 18902/2025**

DALIP KUMAR YADAV

.....Petitioner

Through: Mr. N. K. Srivastava, Advocate.
Petitioner in person.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the
State.
W/SI Khushi, PS; Mandir Marg.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **07.07.2025**

1. The present petition filed 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. 162/2016³ dated 11th August, 2016, registered under Section 354 of the Indian Penal Code, 1860⁴, at P.S. Mandir Marg and all proceedings emanating therefrom.

2. The impugned FIR is lodged on a complaint made by Respondent No. 2 against the Petitioner, wherein she alleged that on 9th August, 2016, the Petitioner, who was driving his auto, touched her chest while she was walking on the road. When the Petitioner disembarked from his vehicle at a

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



distance and attempted to flee, Respondent No. 2 slapped the Petitioner.

3. The parties state that with the intervention of common friends, colleagues and other well-wishers, they have amicably resolved their dispute and have executed a Compromise/Settlement Deed dated 6th May, 2025. As per the terms of the settlement, the Petitioner has already paid a sum of INR 10,000/- to Respondent No. 2 as final settlement amount.

4. Respondent No. 2, who is present in Court and duly identified by the Investigating Officer, states that she has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the Petitioner and confirms the receipt of INR 10,000/- as per the terms of the settlement. She further states that she does not wish to pursue the impugned FIR and has no objection if the same is quashed. In light of the foregoing, counsel for the parties jointly pray for the quashing of the impugned FIR.

5. The Court has considered the afore-noted facts and submissions. While the offence under Section 354 of IPC is non-compoundable, it is well settled that in the exercise of its inherent powers under Section 482 of 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

⁵ (2012) 10 SCC 303



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]

6. 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.

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

⁶ (2014) 6 SCC 466



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]

7. 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 528 of BNSS to secure the ends of justice.

8. In view of the foregoing, the present petition is allowed and impugned FIR No. 162/2016, as well as all consequential proceedings arising therefrom are hereby quashed.



9. The parties shall remain bound by the terms of settlement.
10. Accordingly, the petition is disposed of along with pending application(s).

JULY 7, 2025
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SANJEEV NARULA, J