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

+ **CRL.M.C. 4583/2025 & CRL.M.A. 19944-19945/2025**

BILAL AND ANR

.....Petitioners

Through: Ms. Anita Seth, Ms. Priyanka Jain,
Mr. Shubham Arora, Mr. Kanav and
Mr. Mukul, Advocates.
Petitioners in person.

versus

STATE (N.C.T) OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.
SI Rahul Ranjan, PS: Harsh Vihar.
Mr. Nishant Kumar Tyagi and Ms.
Megha Dixit, Advocates for R-2 & 3.
R-2 in person.
R-3 through VC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.07.2025

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. 506/2024³ dated 4th September, 2024, registered under Sections 110/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023⁴, at P.S. Harsh Vihar and all proceedings emanating

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "BNS"



therefrom. A chargesheet has also been filed against the Petitioners in the said FIR.

2. Briefly, the case of the prosecution against the Petitioners is that a complaint was lodged by the Complainant (Respondent No. 2) alleging that, on 4th September, 2024, he along with his friend (Respondent No.3) were stopped on the road by Petitioner No. 1, Bilal, and Petitioner No. 2, his father Vakil Ahmed. Following an argument, the Petitioners allegedly assaulted them using an iron rod and a knife. Based on the Complainant's statement, the impugned FIR was registered.

3. The present petition is filed on the ground that, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this, a Settlement Deed⁵ dated 21st May, 2025, was executed between the Petitioners and Respondents No. 2 and 3. A copy of the Deed has been placed on record and perused by the Court.

4. As per its terms, Respondents No. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give their no objection to the quashing of the subject FIR. Since the parties know each other and live in the same locality, no monetary compensation is involved.

5. Respondent No. 2, who is present in person, and Respondent No. 3, who is appearing via video conferencing, have been duly identified by the Investigating Officer. They unequivocally state that they do not wish to pursue the impugned FIR. They have confirmed that their decision to settle the matter is voluntary and made without any undue influence or coercion.



No-objection affidavits on behalf of Respondents No. 2 and 3 are on record. The Petitioners are present in person and have also been duly identified by the Investigating Officer. 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 110 of BNS is non-compoundable, Section 126(2) of BNS is compoundable by the person so restrained or confined. 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.**⁶ 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 an exercise in futility.”

[Emphasis added]

7. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁷ the Supreme Court held as follows:

⁵ “Deed”

⁶ (2012) 10 SCC 303

⁷ (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]

8. Although the offence under Section 110 of BNS 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 alleged assault resulted only in simple injuries. Respondent No. 3 was struck on the head with an iron rod, while Respondent No. 2 sustained a cut on his hand caused by a knife. Although a vital part of the body was involved in the case of Respondent No. 3, the injury has been stated to be simple in nature. This was confirmed during the Court's interaction with Respondent No. 2 and 3. 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 Complainants in the present case have categorically expressed their unwillingness to pursue the matter further and have 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 and the impugned FIR No. 506/2024 under Sections 110/126(2)/3(5) of the BNS, registered at P.S. Harsh Vihar, as well as all consequential proceedings arising therefrom are hereby quashed.

10. 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/- each with the Delhi Police Welfare Fund.

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

JULY 15, 2025
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SANJEEV NARULA, J