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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4604/2025 & CRL.M.A. 20005/2025**
KARAN KANOJIA & ANR.Petitioners

Through: Mr. M.S. Sisodia, Mr. Ajay Sharma,
Ms. Gurpreet Kaur and Mr. Sawan
Kumar, Advocates.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Ankit Sagar, P.S. Neb Sarai.
Respondent No. 2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.07.2025

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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. 137/2023 under Sections 354/354B/341/506/509/34 of the Indian Penal Code, 1860³, registered at P.S. Neb Sarai and all proceedings emanating therefrom.

2. Briefly, the case of the Prosecution against the Petitioners emanates from a complaint lodged by Respondent No. 2, alleging that while she was on her way to a canteen for purchasing household goods, accompanied by her five-year-old daughter and neighbour named Pooja, the Petitioners approached them from behind and obstructed their way. It is further alleged

¹ "BNSS"

² "Cr.P.C."



that Petitioner No. 1 pulled the Complainant, while Petitioner No. 2 subjected her to verbal abuse. When she protested against the abuses, Petitioner No. 1 allegedly started pulling her *dupatta*, due to which it got torn. The Petitioners insulted the Complainant and threatened to kill her husband. When the Complainant attempted to contact the police by dialling the emergency number 112, Petitioner No. 2 allegedly tried to snatch the phone from her hand. The Complainant also stated that the Petitioners had previously assaulted her husband with an iron rod, in respect of which a report had been lodged at Saket Police Station. Consequently, based on the Complainant's statement, the subject FIR was registered.

3. The Petitioners state that the present FIR was registered by Respondent No. 2 in retaliation to an FIR [No. 761/2022] filed by Petitioner No. 2 against Respondent No. 2, her husband and her brother-in-law. The said matter was referred to mediation, wherein the parties arrived at a settlement. Pursuant to this settlement, a Settlement Agreement dated 16th November, 2024 was executed between Petitioner No. 2 and Respondent No. 2, her husband and her brother-in-law.

4. A copy of the Settlement Agreement 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. In furtherance of the settlement, the accused persons in FIR No. 761/2022, agreed to pay a total sum of INR 70,000/- to Petitioner No. 2 as settlement amount. Pursuant thereto, the offences alleged against them (in FIR No. 761/2022) were compounded by the Trial Court *vide* order dated 30th

³ "IPC"



November, 2024. Further, Respondent No. 2 agreed to give her no objection to the quashing of the subject FIR.

5. In view of the settlement, the Complainant, who has appeared before the Court in person and is identified by her counsel, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion in light of the amicable resolution between the parties, the Petitioners seeks 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 and 354B of the IPC are non-compoundable, Sections 341, 506 and 509 of IPC are compoundable in certain cases. 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

⁴ (2012) 10 SCC 303



would be an an exercise in futility.”

[Emphasis supplied]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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 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

⁵ (2014) 6 SCC 466



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 Sections 354 and 354B of the IPC cannot be treated as strictly ‘*in personam*’, and they touch 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.

9. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioners are put to cost.

10. In view of the foregoing, the present petition is allowed FIR No. 137/2023, P.S. Neb Sarai, as well as all consequential proceedings arising



therefrom are hereby quashed, subject to payment of a cost of INR 5,000/- each by the Petitioners to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned IO.

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

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

SANJEEV NARULA, J

JULY 25, 2025

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