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

+ **CRL.M.C. 4669/2025**

YAAD RAM

.....Petitioner

Through: Mr. H.K. Shekhar, Advocate
alongwith petitioner in person

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Manoj Pant, APP for the State
Counsel for R-2 and R-3 alongwith
R-2 and R-3 in person

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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23.07.2025

1. By way of this petition preferred under Section 528 of BNSS, 2023 read with Section 482 of Cr.P.C., 1973, the petitioner is seeking quashing of FIR No. 586/2000, registered at Police Station Kalkaji, Delhi for the commission of offence punishable under Sections 452/323/506/34 of the Indian Penal Code, 1860 (hereafter 'IPC'), alongwith setting aside of judgment of conviction dated 06.08.2007 and order on sentence dated 16.08.2007, passed by the learned Additional Sessions Judge, New Delhi in SC No. 68/2004, against which Criminal Appeal No. 584/2007 is pending before this Court.

2. Issue notice. The learned APP appearing on behalf of the State accepts notice.



3. The petitioner and respondents are present before this Court and have been identified by their counsels and Investigating Officer (IO) from P.S. Kalkaji, Delhi.

4. Brief facts of the case, as per the prosecution are that a dispute had arisen between the petitioner and respondents with regard to property bearing no. 508/5, Govindpuri, Kalkaji, New Delhi. It is stated that the present FIR No. 586/2000 against the petitioner Yad Ram and co-accused Raghunath was registered on 23.08.2000 at P.S. Kalkaji, Delhi and subsequently, the chargesheet was filed against them. After the conclusion of trial, the petitioner was convicted for offence under Sections 452/323/506/34 of IPC and was sentenced to a total imprisonment for a period of 05 years.

5. It is stated that a cross-FIR No. 585/2000 was also registered against respondent nos. 2 and 3 for the commission of offence punishable under Section 307 of IPC, and both respondents were also convicted *vide* the same judgment by the learned Trial Court.

6. It is now stated that there are three appeals pending before this Court, and four civil cases are pending before the different courts in district South-East, arising from a common dispute of abovementioned property. During the pendency of the abovesaid cases, a compromise deed was executed on 01.04.2025 between the parties.

7. It is stated that the respondents do not want to initiate any further proceeding, in view of the compromise deed taken place on 01.04.2025. Hence, the present petition for quashing of the said FIR has been filed.

8. On a query made by this Court, the respondent nos. 2 and 3, have



categorically stated that they have entered into compromise out of their own free will, volition and without any coercion, pressure or threat. It is also stated by the said respondents that the entire dispute has been amicably settled between them *vide* compromise deed dated 01.04.2025; and have no objection if the FIR is quashed and further, the conviction of the petitioner herein is set aside.

9. The present case is a case of compromise post-conviction. One of the offence for which the petitioner has been convicted, i.e. Section 452 of IPC, is non-compoundable. In this regard, it shall be relevant to note that in case of ***Ramgopal v. State of M.P.***: (2022) 14 SCC 531, the Hon'ble Supreme Court was considering a case where the appellant had been convicted for offence under Sections 294/323/326/34 of IPC. On appeal, based on the compromise, the Appellate Court had compounded the offence under Sections 294/323/34 of IPC, acquitting the appellant; however, had maintained the conviction under Sections 326/34 of IPC, since the offence was non-compoundable, but had reduced the sentence from three years to one year. The High Court also did not quash the conviction based on the compromise, but reduced the sentence to the period undergone. In these facts, the Hon'ble Supreme Court held that the High Court had erred in not exercising its power under Section 482 of the Cr.P.C., and observed as under:

“11. True it is that offences which are "non- compoundable" cannot be compounded by a criminal court in purported exercise of its powers under Section 320 CrPC. Any such attempt by the court would amount to alteration, addition and modification of Section 320 CrPC, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320 CrPC, which may justify its wider interpretation and include such offences in the docket of "compoundable" offences which have been consciously kept out as



non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 CrPC is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 CrPC. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 CrPC in aid to prevent abuse of the process of any court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 CrPC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466 and *State of M.P. v. Laxmi Narayan*, (2019) 5 SCC 688.

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large.



Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a "settlement" through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided"..."

10. Thus, there can be no legal impediment in quashing the FIR and the subsequent conviction of the petitioner. The records of the case clearly reveal that the incident in question had taken place due to dispute between the parties with respect to one property situated in Govindpuri, Kalkaji, Delhi, and in fact, the present petitioner had sustained some injuries in the said incident. This Court has been informed that several other civil cases were also filed in respect of the same property, and the parties have now amicably settled their disputes in respect of the said property. The petitioner has also remained in judicial custody for about 06 months in relation to the present case. The incident in this case pertains to the year 2000, and after facing trial for seven years, their appeals have been pending before this Court for about 18 years.

11. Considering the overall facts and circumstances of the case, and in view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

12. Accordingly, FIR bearing No. 586/2000, registered at Police Station Kalkaji, Delhi for the commission of offence punishable under Sections 452/323/506/34 of the IPC and all consequential proceedings emanating



therefrom, including the judgment of conviction dated 06.08.2007 and order on sentence dated 16.08.2007 passed by the learned Trial Court, are quashed and set aside.

13. In view of above, the present petition stands disposed of.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 23, 2025/ns