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

+ **CRL.M.C. 4679/2025 & CRL.M.A. 20314/2025**

MUKESH RANA AND ANR

.....Petitioners

Through: Mr. Arjun Rana and Mr. Daksh
Dhankhar, Advocates with
Petitioners.

versus

STATE THROUGH SHO PS SECTOR 23 DWARKA AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for R-1.
SI Rakesh Kumar, P.S. Sector 23
Dwarka.
Respondent No. 2 (in-Person).

+ **CRL.M.C. 4680/2025 & CRL.M.A. 20315/2025**

MOHIT RANA AND ORS

.....Petitioners

Through: Mr. R.K. Lamba, Advocate with
Petitioners.

versus

STATE THROUGH SHO PS DWARKA NORTH AND ORS

.....Respondents

Through: Mr. Mukesh Kumar, APP for R-1.
SI Rakesh Kumar, P.S. Sector 23
Dwarka.
Mr. Arjun Rana and Mr. Daksh
Dhankhar, Advocates for
complainant.
Respondent No. 4 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER



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17.07.2025

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seeking quashing of cross FIRs, the details of which are as follows:

(i) In CRL.M.C. 4679/2025 - FIR No. 458/2015 dated 10th November, 2015 under Sections 323/342/354/354B/506/509/34 of the Indian Penal Code, 1860³, registered at P.S. Sector 23, Dwarka, at the instance of 'XYZ' against Mukesh, Naresh and Sangeeta; and

(ii) In CRL.M.C. 4680/2025 - FIR No. 397/2015 dated 10th October, 2015 under Sections 147/148/149/323/308/354B/34 of IPC, registered at P.S. Sector 23, Dwarka, at the instance of Bijender, brother of Naresh (now deceased), against Neelam, Mohit, Deepak and Chotu.

2. Briefly stated, the case of XYZ against Mukesh, Naresh and Sangeeta is that on 9th November, 2015 at around 10:30 PM, the accused persons entered XYZ's house where they allegedly tore her clothes and physically assaulted her. Consequently, XYZ was taken to DDU Hospital, Hari Nagar Delhi for medical examination and an FIR was registered under sections 323/354/506 IPC on 10th November, 2015. Subsequently, a chargesheet was filed against Mukesh, Naresh and Sangeeta under Sections 323/342/354/354B/506/509/34 of IPC.

3. On the other hand, Bijender, brother of co-accused Naresh, in FIR No. 397/2015, filed a complaint against Neelam, Mohit, Deepak and Chotu,

¹ "CrPC"

² "BNSS"

³ "IPC"



stating that on 10th October, 2015 at about 2:30 PM, upon hearing a commotion outside his residence, he went out and witnessed the aforementioned accused persons, along with some unidentified individuals, assaulting his brother Mukesh with baseball bats and *lathis*. When Bijender attempted to intervene, Neelam, Mohit, Deepak and Chotu allegedly turned on him and also assaulted his family members, namely Naresh, Sangeeta, Chameli Devi, and Divya. Additionally, Bijender claimed that on 9th October, 2015, his brother Devendra, who was undergoing treatment for cancer, was physically assaulted by Neelam and Mohit. Based on these allegations, an FIR was registered on 10th October, 2015 under Sections 147/148/149/308/323 of IPC. Subsequently, a chargesheet was filed against Neelam, Mohit, Deepak and Chotu under Sections 147/148/149/323/308/354B/34 of IPC.

4. All of the Petitioners state that they are members of the same family and, during the pendency of the trial proceedings in the above cases, have amicably resolved their disputes through the intervention of relatives and other respected members of the society. In this regard, the Petitioners in both cases have also executed two separate Memorandum of Understandings⁴ both dated 18th April, 2025. The first MoU (annexed with CRL.M.C. 4680/2025), seeking quashing of FIR No. 397/2015, has been executed among the following parties:

- i. Mohit; Neelam; Deepak; and Dhirender Singh @ Chotu (accused in FIR No. FIR No. 397/2015); and
- ii. Bijender (Complainant in FIR No. 397/2015); Divya (Bijender's daughter); Late Naresh (through Bijender); XYZ (Complainant in FIR No.



458/2015); Mukesh; and Chameli Devi (through her Legal Representative Bijender).

5. The Second MoU dated 18th April, 2025 (annexed with CRL.M.C. 4679/2025), seeking quashing of FIR No. 458/2015, has been executed between the following parties:

- i. Mukesh; and Sangeeta (accused in FIR No. 458/2015); and
- ii. XYZ (Complainant in FIR No. 458/2015).

6. As per the terms of the MoUs, both the Complainants have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross FIRs. Copies of the MoUs have been placed on record, and are perused by the Court.

7. In view of this settlement, the Complainants present in Court have expressed their unequivocal intent to not pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter amicably with the assistance of their family members. 'XYZ', the Complainant in FIR No. 458/2015, present before the Court, states that the FIR was filed in the heat of the moment in response to the FIR No. 397/2015 filed against her son, Mohit. She submits that the parties have now settled their differences, and gives her no objection to the quashing of the FIR.

8. The Court has considered the submissions of the parties. While the offences under Sections 147/148/149/308/354/354B of IPC are non-compoundable, Sections 323/506/509 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 582 BNSS), the Court may, in appropriate

⁴ "MoU".



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.

9. The Supreme Court in ***Gian Singh v. State of Punjab & Anr.***⁵ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

10. 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.

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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.”

[Emphasis Supplied]

11. Although the offences under Sections 147/148/149/308/354/354B cannot be treated as strictly ‘*in personam*’, and 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 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.

12. However, considering that the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost.



13. In view of the foregoing, the present petitions are allowed and FIR No. 397/2015 and FIR No. 458/2015, both registered at P.S. Sector 23 Dwarka are 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 four weeks from today. The proof of payment of cost be submitted with the concerned IO.
14. The parties shall abide by the terms of settlement.
15. Accordingly, the petition is disposed of.
16. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

JULY 17, 2025/as