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

+ **CRL.M.C. 4739/2025**

DEVI RAM @ BABLI KHATANA & ORS.Petitioners

Through: Mr. Mohit Tanwar, Mr. Arjun Gupta,
Advocates

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Rohit Kumar, PS OIA
Mr. Anwar Saleem Shamsi, Mr.
Sandeep Kumar, Advocates for R-2
with R-2 in person

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
18.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 437/2024 dated 02nd June, 2024, registered under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989³, at P.S. Okhla Industrial Area, and all proceedings emanating therefrom. Subsequent to the registration of the FIR, a chargesheet has also been filed against the Petitioners under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC & ST (POA) Act as well as Sections 506, 509 and 34 of the Indian Penal Code,

¹ "BNSS"

² "CrPC"



1860⁴.

2. Briefly stated, the case of Complainant, i.e., Respondent No. 2 namely Radha, against the Petitioners, who are also her neighbours, is that they have been harassing and threatening her, with the intent to encroach upon her land. In this regard, she alleged on 18th January, 2024, around 6:30PM, when she was standing in her veranda, Petitioner No. 3 urinated on her from his rooftop and started making untoward gestures. He also hurled caste-based abuses towards her and threatened to abduct her daughters on their way from school, if Respondent No. 2 did not vacate the property. She stated that on a previous occasion, her husband had also filed a complaint against the Petitioners and because of this they were beaten and abused by the Petitioners. On the basis of her statement, the present FIR was recorded.

3. The chargesheet in the case stands filed and the trial proceedings are underway. However, during the pendency of the said proceedings, the parties have, with the intervention of friends and family, amicably resolved their disputes and have decided to bring an end to the dispute. In this regard, a Memorandum of Understanding dated on 07th March, 2025⁵, has been executed between the Petitioners and Respondent No. 2. A copy of the aforementioned MoU has been duly placed on record and is perused by this Court.

4. Respondent No. 2, who is present before the Court in person and is identified by her counsel, confirms the settlement and states that she has voluntarily, without any coercion, force or undue influence decided not to pursue the present FIR against the Petitioners. She states that the Petitioners

³ “SC & ST (POA) Act”

⁴ “IPC”



are her neighbours and have been known to her for a long time. She submits that there was some quarrel regarding the properties, due to which there was a misunderstanding on the basis of which, she registered the FIR. She further states that pursuant to the settlement between the parties, she has no surviving grievances against the Petitioners and wishes to give the present dispute a *quietus*. As such, she gives her no objection to quashing of the impugned FIR. An Affidavit to this effect has been executed by Respondent No. 2 and has been placed on record.

5. The Petitioners have also joined the proceedings in person and are 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 carefully considered the submissions advanced. It is not in dispute that the offences under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the SC & ST (POA) Act are non-compoundable in nature. On the other hand, the offences under Section 506 and 509 of the IPC are compoundable in certain circumstances. The Court is also mindful that proceedings arising under special statutes such as the SC & ST (POA) Act warrant a cautious and restrained approach, bearing in mind the legislative intent to safeguard the rights and dignity of marginalised communities. Nevertheless, it is equally well settled that in appropriate and exceptional situations, the High Court, in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure (or Section 528 of BNSS 2023), may quash criminal proceedings where the factual matrix discloses no real or subsisting cause for prosecution, and where such interference is necessary to secure the ends

⁵ “MoU”



of justice.

7. On this aspect, it is apposite to rely to the decision of ***Ramawatar v. State of Madhya Pradesh***,⁶ wherein the Supreme Court held as under:

“17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 CrPC.”

8. In this case, the parties are acquainted with one another and reside in close proximity. The dispute originated from disputes regarding alleged encroachment on property and Respondent No. 2 has specifically stated before the Court and in the Affidavit executed by her, that the FIR was registered due to some misunderstanding. On a specific query of this court, Respondent No. 2 has stated that she entered into the settlement of her own free will and without any coercion, thereby, agreeing to drop criminal proceedings. Considering the nature of the dispute, the voluntary settlement, and the absence of public interest in continuing the proceedings, the Court concludes that the continuation of the criminal proceedings would serve no useful purpose.

9. In view of the foregoing, FIR No. 437/2024 dated 02nd June, 2024, registered under Sections 3(1)(r) and 3(1)(s) of the SC & ST (POA) Act, at P.S. Okhla Industrial Area, and all proceedings emanating therefrom are

⁶ 2021 SCC OnLine SC 966



hereby quashed, subject to the Petitioners depositing a cost of ₹10,000/- each with the Delhi Police Welfare Fund. Proof of such payment shall be furnished to the concerned Station House Officer.

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

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

SANJEEV NARULA, J

JULY 18, 2025/ab