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

+ CRL.M.C. 4827/2025 & CRL.M.A. 20912/2025

ROHIT KADIYAN & ANR.

.....Petitioners

Through: Mr. Sumit Kadyan and Mr. Vashisht,
Advocates with Petitioners (in-
Persons).

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
Mr. Aman Jwala, Ms. Shivangi
Sharma and Mr. Vikas Bhatia,
Advocates for R-2 with R-2 (in-
Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.07.2025**

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 605/2021 dated 20th August, 2021, registered under Sections 323, 341 and 34 of the Indian Penal Code, 1860³ at P.S. Nangloi, Delhi and all consequential proceedings emanating therefrom.

2. Briefly, the case of the prosecution is as follows:

2.1. A complaint was filed by Rajender Prasad (the Complainant), alleging that on 10th August, 2021, Rohit Kadyan (Petitioner No. 1), a driver by profession, purchased stones from the Complainant's shop, 'Rajasthan

¹ "BNSS"

² "CrPC"



Marbles'. He requested that the balance payment be collected by the Complainant's driver after the stones were unloaded at his residence. However, after the unloading was completed, Petitioner No. 1, along with his brother-in-law Kuldeep (Petitioner No. 2), refused to pay the balance amount. They argued with the Complainant's driver and forcibly took the car keys from him. Despite repeated requests, Petitioner No. 1 refused to return the keys.

2.2. As a result, the Complainant and his son reached the spot, retrieved the car keys from the Petitioners, and handed them back to their driver. However, as they were preparing to leave, the Petitioners, along with 5-6 other individuals, allegedly assaulted them.

2.3. During the scuffle, the Petitioners allegedly beat the Complainant and his son with a wooden plank. They also dragged the Complainant's son and locked him inside the house. In the course of the altercation, Petitioner No.'s spectacles were reportedly broken. When the Complainant's son attempted to call the police, Petitioner No. 1 allegedly snatched his phone and claimed that he was the driver of an ADM. He then contacted the police and allegedly got a false case registered against the Complainant and his son.

2.4. Although the police arrived and conducted the Complainant's medical examination, they did not register an FIR. After persistent efforts, the ADM, who is Petitioner No. 1's employer, granted the Complainant a meeting on 16th August, 2021. During the meeting, the Complainant explained the entire matter in the presence of Petitioner No. 1. The ADM assured them that appropriate action would be taken; however, no such action followed.

2.5. Aggrieved by the inaction, the Complainant approached P.S. Nangloi,

³ "IPC"



Delhi on 20th August, 2021, where the present FIR was finally registered. Subsequently, a chargesheet was filed against the Petitioners under Sections 323, 341, and 34 of IPC.

3. The present petition is filed on the ground that the matter has been amicably settled between the parties on their own free will, without any coercion, pressure or undue influence. Pursuant thereto, the Petitioners and the Complainant/Respondent No. 2 have executed a Compromise Deed dated 28th May, 2025.

4. A copy of the Compromise Deed has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has resolved all disputes and differences with the Petitioners and has agreed to voluntarily give his 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, unequivocally stated that he does not wish to pursue the FIR proceedings. He has confirmed that his decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioners are also present before the Court and in light of the amicable resolution between the parties, they seek quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the aforementioned submissions. It is pertinent to note that the offences under Sections 323 and 341 of IPC are compoundable, albeit with the permission of the Court, and only at the instance of the aggrieved parties. However, that does not debar the High Court from resorting to its inherent power under Section 528 of BNSS (corresponding to Section 482 of CrPC) and pass an appropriate order so as to secure the ends of justice.



7. Having regard to the nature of the dispute and the fact that the aggrieved parties have amicably settled the matter, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose. In the circumstances, this is a fit case for exercise of jurisdiction under Section 528 of BNSS, as the continuance of proceedings would amount to an abuse of the process of law and impede the ends of justice.
8. In view of the above, and considering that the State machinery has already been set in motion, the ends of justice would be served if the Petitioners are put to cost.
9. Accordingly, the present petition is allowed and FIR No. 605/2021 dated 20th August, 2021, registered under Sections 323, 341 and 34 of IPC at P.S. Nangloi, Delhi and all consequential proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 5,000/- by each of 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.
10. The parties shall remain bound by the terms of settlement.
11. Disposed of, along with pending application(s).

SANJEEV NARULA, J

JULY 22, 2025

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