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

+ **W.P.(CRL) 2265/2025, CRL.M.A. 21127/2025**

HEMANT KUMAR

.....Petitioner

Through: Ms. Neelima Rani, Advocate.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, SC for State with
Mr. Vipin Rathi, SI, PS-Tigri.
R-2 on VC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.09.2025**

1. The present petition under Article 226 of the Constitution of India read with 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. 455/2022 dated 24th November, 2022, registered under Sections 354/341/323/506 of the Indian Penal Code, 1860³ at P.S. Tigri, Delhi and all consequential proceedings emanating therefrom.

2. In the complainant filed by Ms. 'X' (the Complainant/Respondent No. 2), it is alleged that on 20th November, 2022, at about 4:15 PM, while she was on her way to the market, the Petitioner collided with her on the road. When she confronted him, the Petitioner allegedly started abusing her and hit her on her chest. She further alleges that the Petitioner continued to

¹ "BNSS"

² "CrPC"



assault her until she fell to the ground and also kept threatening her with dire consequences. Consequently, based on the Complainant's statement, the FIR was registered on 24th November, 2022, under Sections 354/341/323/506 of IPC at P.S. Tigri, Delhi.

3. The parties state that they have amicably settled the matter of their own free will, without any force, pressure, or coercion, before the Mediation Centre, Saket Courts, New Delhi. Respondent No. 2 has agreed not to pursue the subject FIR. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 10th January, 2023, has been entered into between the Petitioner and Respondent No. 2.

4. A copy of the MoU has been placed on record and duly perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR. It is further recorded that both parties have agreed to withdraw all cases pending between them before various courts.

5. In light of the above, the parties jointly request for quashing of the impugned FIR. Though the Petitioner is not personally present, he has executed a Special Power of Attorney in favour of his father, Mr. Desh Raj, who is present in Court along with counsel for the Petitioner, and confirms the settlement in the present matter as well as in the other cases *inter se* between the parties. Furthermore, the Complainant, who has appeared before the Court through Video Conferencing and has been duly identified by the Investigating Officer, states that since the Petitioner has tendered an

³ "IPC"

⁴ "MoU"



apology, which she has accepted in the interest of maintaining harmony, and as they are related to each other, she does not wish to pursue the impugned FIR.

6. The Court has considered the afore-noted facts. Notably, while the offences under Sections 323, 341 and 506 of IPC are compoundable, the offence under Section 354 of IPC is non-compoundable. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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.**⁵ 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 would be an exercise in futility.”

[Emphasis added]

7. 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 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 Section 354 of the IPC cannot be treated



as strictly '*in personam*', and it touches 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.

9. The Complainant, who is present before the Court and has been identified by the Investigating Officer, categorically expresses 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 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and FIR No. 455/2022 dated 24th November, 2022, registered under Sections 354/341/323/506 of IPC at P.S. Tigri, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi



Police Welfare Fund within a period of four weeks from today.

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

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

SANJEEV NARULA, J

SEPTEMBER 11, 2025

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