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

+ CRL.M.C. 5001/2025 & CRL.M.A. 21683/2025, CRL.M.A.
21684/2025

MD ABDUL & ANR.

.....Petitioners

Through: Ms. Mumtaz Ahmad, Advocate with
Petitioners.

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State.

Mr. Rahul Singh, Advocate for R-2 &
3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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08.08.2025

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. 197/2016 dated 30th April, 2016, registered under Sections 308, 323 and 34 of the Indian Penal Code, 1860³ at P.S. Jaitpur, Delhi and all proceedings emanating therefrom.
2. Briefly stated, a complaint was lodged by one Mohd. Imran (the Complainant/Respondent No. 2), stating that he, along with one Md. Kayum (Respondent No. 3), was working as a daily wage labourer under the

¹ "BNSS"

² "CrPC"

³ "IPC"



supervision of a contractor named Raja. The Complainant alleged that on 29th April, 2016, at around 10:30 PM, three individuals, namely Md. Abdul and Md. Fudon (Petitioners Nos. 1 and 2), along with Md. Rahul, all of whom were also daily wage labourers, arrived at the site and demanded their pending wages from the contractor. However, the contractor left the location without making the payment.

3. Shortly thereafter, the Petitioners, along with Md. Rahul, allegedly began hurling abuses at Respondent Nos. 2 and 3. When they questioned this behaviour, Md. Abdul allegedly picked up a brick and struck Respondent No. 2 on the head multiple times. Simultaneously, Md. Fudon and Md. Rahul allegedly picked up bricks and assaulted Md. Kayum on the head. As a result, both Respondent Nos. 2 and 3 sustained bleeding head injuries. They were thereafter taken to the Trauma Centre at AIIMS Hospital for medical treatment. Based on this complaint, the subject FIR was registered. A chargesheet was subsequently filed against the present Petitioners.

4. The parties state that, with the intervention of family members, well-wishers, and relatives, they have amicably resolved all disputes and differences. Respondent Nos. 2 and 3 have decided not to pursue the impugned FIR against the present Petitioners. Pursuant to this settlement, a Memorandum of Understanding⁴/Compromise Deed dated 12th June, 2025, was executed between the Petitioners and Respondent Nos. 2 and 3.

5. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent Nos. 2 and 3 have mutually resolved all disputes with the Petitioners and have agreed to voluntarily give their no-



objection to the quashing of the impugned FIR *qua* the Petitioners. To this effect, their Affidavits/No Objection Certificates have also been placed on record.

6. In view of the settlement, Respondent Nos. 2 and 3, who appeared before the Court on the previous date of hearing and were duly identified by the Investigating Officer, unequivocally stated that they do not wish to pursue the impugned FIR proceedings *qua* the Petitioner. They have confirmed that their decision to settle is voluntary and made without any undue influence or coercion. The Petitioners have also appeared in person and have been duly identified by the Investigating Officer. In light of this amicable resolution, the Petitioners seek quashing of the proceedings emanating from FIR No. No. 197/2016 dated 30th April, 2016, registered under Sections 308, 323 and 34 of IPC at P.S. Jaitpur, Delhi

7. At this juncture, it is noted that there are three accused in the present FIR. Upon a pointed query from the Court, it has been stated that the third accused, namely Md. Rahul, is absconding. Accordingly, the chargesheet has been filed only *qua* the present Petitioners.

8. The Court has heard the submissions of all parties. While the offence under Section 308 IPC is non-compoundable, the offence under Section 323 IPC is compoundable at the instance of the person to whom such hurt was caused. It is well settled that in the exercise of its inherent powers under Section 482 of 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.***

⁴ “MoU”



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 an exercise in futility.”

[Emphasis added]

9. 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.

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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

10. Although the offence under Section 308 IPC cannot be regarded as strictly “*in personam*”, and touches upon public concerns rather than being confined to individual grievances, the Court must take into account 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, continuation of prosecution may not only be futile but may also serve no worthwhile public interest.

11. In the present case, Respondent Nos. 2 and 3, who appeared before the Court, categorically expressed their unwillingness to pursue the matter further against the Petitioners. As all parties hail from the same locality and have confirmed the settlement as voluntary and free from coercion, continuation of criminal proceedings against the Petitioners would serve no useful purpose, while unnecessarily burdening the justice system and



consuming public resources. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds it appropriate to exercise jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed. The chargesheet filed against the present Petitioners in pursuance of FIR No. 197/2016 dated 30th April, 2016, registered under Sections 308, 323 and 34 of IPC at P.S. Jaitpur, Delhi, is hereby quashed.

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

14. It is clarified that the impugned FIR shall continue against the co-accused, Md. Rahul. The State is at liberty to file a supplementary chargesheet in accordance with law.

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

SANJEEV NARULA, J

AUGUST 8, 2025

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