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

+ **CRL.M.C. 5013/2025**

ANUJ & ANR.

.....Petitioners

Through: Mr. Tom Joseph and Ms. Arya Krishnan, Advocates for the Petitioner along with the Petitioners in person.

versus

STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for the State along with SI Sunder Pal, PS

+ **CRL.M.C. 5048/2025**

KRISHNA DEVI & ANR.

.....Petitioners

Through: Dr. Linto KB and Ms. Anugraha Sabu, Advocates.

versus

STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for the State along with SI Sunil Kumar, PS Ambedkar Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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25.08.2025

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha

¹ "CrPC"



Sanhita, 2023²), seeking quashing of the following cases, the details of which are as follows:

- (i) In CRL.M.C. 5013/2025: FIR No. 467/2019 dated 04th October, 2019 under Sections 323/325/506/509/34 of the Indian Penal Code, 1860³, registered at P.S. Ambedkar Nagar, Delhi, registered by Hemlatha against “Y” and his wife, “X”; and
- (ii) In CRL.M.C. 5048/2025: Ct. Case No. 32232/2019 and summoning order dated 7th September, 2024, under Section 506/354B/448/34 of the IPC, P.S. Ambedkar Nagar, Delhi, registered by “Y”, “X” and their minor daughter, against Krishna Devi, Hemlatha, Manisha, Karan, Chetna and Megha.

2. Briefly stated, the case of Hemlatha, the Complainant in FIR No. 467/2019, is that the accused “Y” (Hemlatha’s cousin) and his wife “X” reside on the first floor of the same house where the Complainant lives with her mother, Krishna Devi, her sisters Manisha, Chetna, and Megha, and her brothers Karan and Topar. The property is stated to be in the name of their late grandfather. It is alleged that on 15th September, 2019, “Y”, in an intoxicated state, demanded that Hemlatha and her family vacate the premises, threatening to kill them if they did not comply. “X” is also alleged to have verbally abused and physically assaulted them. “Y” pushed Chetna and punched her in the face, resulting in the breakage of her teeth. Hemlatha and Krishna Devi also sustained injuries during the incident. Initially, due to the familial relationship, Hemlatha chose to give the accused another chance. However, it is alleged that the threats, abuse, and misconduct

² “BNSS”

³ “IPC”



continued. Based on these allegations, FIR No. 467/2019 was registered.

3. On the other hand, “X”, “Y”, and their minor daughter, the Complainants in Ct. Case No. 32232/2019, alleged that they reside in an ancestral property originally allotted to the grandfather of “Y”. “Y”’s family occupied the ground floor of the said property, while the upper floors (first, second, and third) were occupied by the family of Shri Ramesh Kumar, the paternal uncle of “Y”. It is alleged that the accused persons in the said case, Krishna Devi, Hemlatha, Manisha, Karan, Chetna, and Megha, attempted to unlawfully dispossess the Complainants and take over the entire property. The accused had allegedly been harassing “X” and the minor daughter; and coercing “Y” and his family to vacate the premises. Threats were allegedly extended to “Y” that he would be falsely implicated in a criminal case if he did not comply. It is further alleged that “X” and the minor daughter were, on one occasion, wrongfully confined within the premises and were threatened by the accused, who warned that they would continue to harass “X” and eliminate “Y” from the property. It is specifically alleged that on 27th September 2019, accused Karan forcibly entered the Complainants’ residence, grabbed “X” with the intention to disrobe and assault her, and issued threats to kill “Y”. “X” managed to escape the room, but Karan allegedly continued to hurl abuses and throw bricks at the house. Citing police inaction despite repeated complaints, the Complainants filed the present case. Thereafter, *vide* summoning order dated 7th September 2024, the CJM summoned accused Karan for offences under Sections 354B, 448, and 506 IPC, and accused Krishna Devi under Section 506 read with Section 34 IPC.

4. During the pendency of the aforesaid criminal proceedings, “Y”



instituted a civil suit seeking partition and injunction in respect of the ancestral property. In the course of those proceedings, the parties were referred to mediation, where they amicably resolved their disputes. Pursuant thereto, a Settlement Agreement was duly executed by the parties on 22nd January, 2025 before the Mediation Centre, Saket Courts, New Delhi. A copy thereof has been placed on record and is perused by the Court.

5. As per the terms of the Settlement Deed, the value of the subject property has been determined at INR 45,00,000/-. It has been agreed that “Y” shall pay a sum of INR 6,50,000/- to Krishna Devi, for herself and other legal heirs, namely Hemlatha, Manisha, Karan, Chetna, and Megha, towards their collective 1/7th share in the total consideration amount. Pursuant to the said payment, Krishna Devi and the aforementioned individuals shall vacate the property currently under their possession and shall relinquish all rights, title, and interest in respect of the same. It is further agreed that “Y” along with Defendant Nos. 7 to 12 in the suit shall be the owners of the said property. Additionally, as per the terms of the Settlement Deed, both the Complainants have agreed to amicably resolve the dispute and seek joint quashing of all litigations arising out of the cross cases filed between them.

6. In view of the settlement, both Complainants, who are present in Court and identified by the Investigating Officer, have unequivocally expressed their intent not to pursue the proceedings arising out of the subject cases. They have confirmed to the Court that they are acting voluntarily and are not under any form of coercion, threat, or undue influence. The Investigating Officer has submitted that all Petitioners are adults. It is also submitted that pursuant to the incident in question, one of the Petitioners sustained grievous injuries, while others suffered simple injuries.



Considering the nature of allegations, the Court has personally interacted with both Complainants, who have confirmed that the subject cases arose out of a familial dispute and that they do not wish to proceed further. In light of the amicable resolution between the parties, the Petitioners pray for quashing of the cases and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 354 of the IPC is non-compoundable, the offences under Sections 323, 325, 448, 506 and 509 of the IPC are compoundable in certain cases. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now 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.

8. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁴ 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.”

⁴ (2012) 10 SCC 303



9. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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.”

[Emphasis Supplied]

10. Although the offence under Section 354B 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. The Complainants in the present case have categorically expressed their

⁵ (2014) 6 SCC 466



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.

11. However, since the State machinery was set in motion based on the impugned cross cases, the ends of justice will be served if the Petitioners are put to certain cost.

12. In view of the foregoing, the present petitions are allowed and FIR No. 467/2019, P.S. Ambedkar Nagar as well as Ct. Case No. 32232/2019, along with summoning order dated 7th September, 2024, are quashed, subject to payment of a cost of INR 3,500/- by each of the parties, to be submitted with the Delhi Police Welfare Fund, within six weeks from today. Proof of payment to be furnished to the concerned IO.

13. The parties shall abide by the terms of settlement.

14. Accordingly, the petitions are disposed of.

15. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

AUGUST 25, 2025/MK