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

+ CRL.M.C. 5044/2025 & CRL.M.A. 21846/2025

RAVI PRAKASH & ANR.

.....Petitioners

Through: Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.

I.O.

R-2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**29.07.2025**

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 120/2020 dated 9<sup>th</sup> March, 2020, registered under Sections 323, 325, 506 and 498A of the Indian Penal Code, 1860<sup>3</sup> at P.S. Bawana, Delhi and all proceedings emanating therefrom.

2. Briefly stated, the present case arises out of a complaint filed by Shila Devi (Respondent No. 2), who is the wife of Petitioner No. 1, while Petitioner No. 2 is her brother-in-law. In her complaint, she alleges that on 28<sup>th</sup> January, 2020, at around 9:00 PM, she was at home with her son and

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<sup>1</sup> "BNSS"

<sup>2</sup> "CrPC"

<sup>3</sup> "IPC"



daughter when her husband, Ravi Prakash (Petitioner No. 1), came back home. Thereafter, she asked him to return the money and jewellery he had taken for their son's *peelia* ceremony. Upon hearing this, Petitioner No. 1 allegedly became enraged and started assaulting her. He is stated to have used kicks, punches, and slaps, and even threw Respondent No. 2 to the ground. When their daughter attempted to intervene, he allegedly assaulted her as well and pushed her to the ground. Upon being warned that Respondent No. 2 was calling the police, Petitioner No. 1 fled the house. However, while leaving, he allegedly threatened her and stated that his brother Rakesh (Petitioner No. 2), is in the police. It is alleged that Petitioner No. 2 is the one who instigates Petitioner No. 1 to do these actions. Thereafter, the injured Respondent No. 2 and her daughter were taken to the hospital, where the police, upon receiving a PCR call, reached as well. The MLC confirmed physical assault on 28<sup>th</sup> January, 2020, and recorded the nature of injury to Respondent No. 2 as '*grievous*'. Consequently, based on the statement of Respondent No. 2/Complainant, the impugned FIR was registered.

3. The present petition has been filed on the ground that the matter has been amicably settled between the parties of their own free will, without any coercion, pressure, or undue influence. Pursuant to this settlement, a Memorandum of Understanding<sup>4</sup> / Compromise Deed dated 1<sup>st</sup> April, 2025, was executed between the Petitioners and Respondent No. 2. A copy of the said MoU has been placed on record and perused by the Court.

4. As per the terms of the settlement, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioners and has voluntarily



agreed to give her no-objection to the quashing of the subject FIR. The parties have further agreed to reside together along with their children.

5. In view of the settlement, the Complainant / Respondent No. 2, who has appeared before the Court in person, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and not influenced by any pressure, threat, or coercion. In this regard, her Affidavit has also been placed on record. She further states that the parties are now living together peacefully along with their children. In light of the amicable resolution, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 498A of IPC are non-compoundable, the offences under Sections 323, 325 and 506 are compoundable, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (now Section 528 of 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.**<sup>5</sup> 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,*

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<sup>4</sup> “MoU”

<sup>5</sup> (2012) 10 SCC 303



*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]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,<sup>6</sup> 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 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.

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<sup>6</sup> (2014) 6 SCC 466



*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. Thus, considering the nature of dispute, the fact that the parties have amicably entered into a settlement and have chosen to resume their matrimonial life with one another, this Court is of the opinion that the present case is fit to exercise jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) as no purpose would be served by keeping the dispute alive. The continuance of the present proceedings would only amount to abuse of the process of Court.

9. In view of the foregoing, the present petition is allowed and FIR No. 120/2020 dated 9th March, 2020, registered under Sections 323, 325, 506 and 498A of IPC at P.S. Bawana, Delhi and all proceedings emanating therefrom are hereby quashed.

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

11. It is clarified that the settlement shall not impact the rights of the minor children.

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

**SANJEEV NARULA, J**

**JULY 29, 2025**  
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