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

+ **CRL.M.C. 5032/2025 & CRL.M.A. 21820/2025**

**SH. SHAHRUKH & ANR.**

.....Petitioners

Through: Mr. Vishal Sh., Mr. Akash Tomar and  
Mr. Sony Kushwaha, Advocates.  
Petitioners in person.

versus

**STATE OF NCT OF DELHI & ORS.**

.....Respondents

Through: Mr. Hemant Mehla, APP for State.  
SI Akash Kumar, PS: Bhajanpura.  
Mr. Akshay Vij, Ms. Preeti Agarwal  
and Ms. Ishika Jain, Advocates for R-  
2 & 3.  
R-2 & 3 in person.

**CORAM:**

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

**ORDER**

% **29.07.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (earlier Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 29/2019<sup>3</sup> under Sections 308/506/34 of the Indian Penal Code, 1860<sup>4</sup>, registered at P.S. Bhajanpura and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioners is that on 29<sup>th</sup> January, 2019, at approximately 7:30 PM, Respondent No. 2/

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<sup>1</sup> "BNSS"

<sup>2</sup> "Cr.P.C."

<sup>3</sup> "impugned FIR"

<sup>4</sup> "IPC"



Complainant received a phone call from his father/Respondent No. 3, informing him that the Petitioners were physically assaulting him and requested immediate assistance. Upon reaching the location, Respondent No. 2 allegedly witnessed the Petitioners attacking his father with iron rods and sticks, striking him on the head and legs. When he attempted to intervene, Petitioner No. 2 pushed him and threatened to kill him if he interfered further. Pursuant to his statement, the impugned FIR was registered. Subsequently, chargesheet was also filed against the Petitioners.

3. The parties state that they reside in the same neighbourhood and with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioners and have decided not to pursue the impugned FIR against them. Pursuant to this settlement, a Memorandum of Understanding dated 30<sup>th</sup> May, 2025<sup>5</sup>, has also been executed between the Petitioners and Respondents No. 2 and 3.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondents No. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give their no objection to the quashing of the subject FIR. Affidavits of Respondent Nos. 2 and 3 have been placed on record to this effect.

5. In view of the settlement, Respondents No. 2 and 3, who have appeared before the Court and are identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the impugned FIR proceedings. They have submitted that, following the alleged incident, only Respondent No. 3 had sustained minor injuries, while Respondent No. 2 did



not suffer any injury. They have confirmed that their decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioners have also joined the proceedings in person and are duly identified by the Investigating Officer. In light of the amicable resolution between the parties, 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 308 of IPC is non-compoundable, Sections 506 of IPC is compoundable by the person so intimidated with the permission of the Court. 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. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**<sup>6</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, 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.**,<sup>7</sup> the

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<sup>5</sup> “MoU”

<sup>6</sup> (2012) 10 SCC 303

<sup>7</sup> (2014) 6 SCC 466



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.

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 308 of 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. Respondents No. 2 and 3 in the present case have categorically expressed their 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. to secure the ends of justice.

9. However, given that the state machinery was put to use, the ends of justice will be served if the Petitioners are put to certain cost

10. In view of the foregoing, the present petition is allowed and the FIR No. 29/2019 P.S. Bhajanpura, as well as all the consequential proceedings arising therefrom are hereby quashed, subject to payment of an amount of INR 10,000/- each by the Petitioners with the Delhi Police Welfare Fund within a period of six weeks from today. Proof of payment of the cost to be furnished to the concerned IO.

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



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

**JULY 29, 2025**  
*d.negi*

**SANJEEV NARULA, J**