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

+ CRL.M.C. 5079/2025

BHANU KUMAR

.....Petitioner

Through: Mr. Deepak Kumar, Mr. Utkarsh Rai,
Advocates with Petitioner in person

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Naresh Kumar, PS Bindapur
Mr. Pawan Kr. Yadav, Advocate for
R-2
Respondent No. 2 in person (through
VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **30.07.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 614/2022 registered at P.S. Binda Pur under Sections 354B, 451, 323 and 506 of the Indian Penal Code, 1860³, and all proceedings emanating therefrom.

2. Briefly, the case of the Prosecution emanates from a complainant filed by Respondent No. 2, alleging that on 23rd August, 2022, at around 1:30 PM, the Petitioner, who is her neighbour, forcefully entered her residence and proceeded to physically assault her. She alleged that the Petitioner twisted her arm, touched her inappropriately, hit her chest and kicked her stomach. Upon her raising an alarm, neighbours rushed to the spot and

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



attempted to apprehend the Petitioner; however, he allegedly pushed them and fled the scene. Based on the Complainant's statement, the subject FIR was registered. A chargesheet was subsequently filed, and the Petitioner was charge-sheeted under Sections 451, 323, 506, and 354 of the IPC.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Settlement Deed dated 14th October, 2024 was executed between the Petitioner and Respondent No. 2.

4. A copy of the Settlement Deed has been placed on record and 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. An affidavit to this effect is also placed on record.

5. In view of the settlement, the Complainant, who appears *via* video conferencing mechanism, and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She submits that the parties are neighbours, residing in the same building; and clarifies that the FIR was lodged due to a misunderstanding prevailing at the relevant time. However, she submits, the differences between the parties stand resolved, and her decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.



6. The Court has considered the submissions of the parties. While the offences under Sections 354 and 354B of IPC are non-compoundable, Sections 506, 323 and 451 of IPC are compoundable in certain cases. 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.**⁴ 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]

7. 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 quiding 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 offences under Sections 354 and 354B of the IPC cannot be treated as strictly ‘*in personam*’, and touch 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 Complainant in the present case has categorically expressed 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 482 of the Cr.P.C. to secure the ends of justice.

9. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the Petitioner is put to cost.

10. In view of the foregoing, the present petition is allowed, and FIR No. 614/2022 at P.S. Binda Pur and all proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 5,000/- by the Petitioner to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with 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).

SANJEEV NARULA, J

JULY 30, 2025/ab