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

+ **CRL.M.C. 5114/2025, CRL. M.A. 22127-22128/2025**

SUKHVENDER

.....Petitioner

Through: Mr. Kanishk Arora, Ms. Nidhi Vardhan, Ms. Sakshi Goyal and Mr. Pradeep Arora, Advocates.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Hemant Mehla, App for the State along with SI Ritika Dhiwan, PS Chanakya Puri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.08.2025

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CRL.M.A. 24919/2025

1. For the grounds and reasons stated in the application, the same is allowed. Co-accused Sourabh Basin @ Trong is arrayed as Petitioner No. 2. Amended memo of parties is taken on record.

2. Application is disposed of.

CRL.M.C. 5114/2025

3. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal

¹ "BNSS"



Procedure, 1973²) seeks quashing of FIR No. 62/2025 under Sections 74/79/115(2)/3(5) of the Bharatiya Nyaya Sanhita 2023³, registered at P.S. Chankya Puri and all proceedings emanating therefrom.

4. Briefly stated, the case of Prosecution against the Petitioners is that on 17th May, 2025 at around 6:00 AM, the Complainant/Respondent No. 2 went to SOHO Club with her friends. Thereafter, her friend Shivam Jaggi asked her to accompany him to meet someone in Room No. 555 at the Ashoka Hotel, where she was introduced to Petitioner No. 2. Shortly after, Petitioner No. 1 entered with his associates and physically assaulted Shivam, choking and threatening to kill him for allegedly speaking negatively about Petitioner No. 2. When the Complainant intervened, Petitioner No. 1, instigated by Petitioner No. 2, struck her on the breast, hurled filthy abuses, and pushed her, causing injuries. Consequently, FIR No. 62/2025 was registered on 17th May, 2025 under Sections 74/79/115(2)/3(5) of BNS.

5. The Petitioners, who have joined the proceedings in person state that the parties have amicably resolved all outstanding disputes, and have executed a Memorandum of Understanding⁴ dated 17th July, 2025. As per the terms of the said MoU, the Complainant has agreed to settle the matter and give no objection to the quashing of the FIR. A copy of the MoU has been placed on record, and has been duly perused by the Court. As per its terms, the Complainant has unequivocally resolved all differences with the Petitioners, and has voluntarily expressed her no objection to the quashing of the impugned FIR and all proceedings arising therefrom.

6. The Complainant, who has appeared before the Court *via* video

² “Cr.P.C.”

³ “IPC”



conferencing and is duly identified by her counsel and the IO, unequivocally states before this Court that she no longer wishes to pursue the FIR against both the Petitioners. She submits that her decision to settle the matter is voluntary and free from any coercion or undue influence. The Complainants further submit that the incidents giving rise to the FIR occurred in the heat of the moment and on account of certain misunderstanding. She acknowledges that the matter now stands resolved, and states that she has objection to the quashing of the FIR.

7. The Court has considered the submissions of the parties. While the offence under Section 74 of BNS is non-compoundable, Sections 79 and 115(2) of BNS 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.

8. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁵ 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,

⁴ “MoU”

⁵ (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]

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 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.

⁶ (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]

10. Although the offence under Section 74 of BNS 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 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.

11. However, since the State machinery was set in motion, the ends of justice will be served if the Petitioner is put to cost.

12. In view of the foregoing, the present petition is allowed and FIR No. 0062/2025 registered at P.S. Chanakya Puri, as well as all consequential



proceedings arising therefrom are hereby quashed, subject to payment of a cost of INR 25,000/- each by the Petitioners to the Delhi Police Welfare Fund within six weeks. Proof of payment be submitted with the concerned IO.

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

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

SANJEEV NARULA, J

AUGUST 22, 2025/MK