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

+ CRL.M.C. 5122/2025, CRL.M.A. 22156-22157/2025

SHIVAM JAGGI

.....Petitioner

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

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with Ms. Shalu, SI, PS-Chanakyapuri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

31.07.2025

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), was listed along with CRL.M.C. 5114/2025 seeking quashing of cross-FIRs. The present petition specifically seeks quashing of FIR No. 63/2025 dated 18th May, 2025 under Section 74 of the Bhartiya Nyaya Sanhita, 2023³, registered at P.S. Chankya Puri, Delhi, and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioner emanates from a complaint filed by Respondent No. 2, wherein she stated that on 16th May, 2025, she came to Delhi with her friend and checked into

¹ "CrPC"

² "BNSS"

³ "BNS"



Ashoka Hotel in Room Nos. 553 and 555. After partying at Soho Club, she returned to her friend's room (555), where 8-10 people were present. There, the Petitioner began misbehaving with her, and was allegedly grabbing her despite repeated requests to leave. Thereafter, the Complainant's friend confronted the Petitioner for his behaviour and asked him to leave, which led to a heated argument. The Petitioner and his friends refused to leave and continued fighting with the Complainant's friends. Based on these allegations, the subject FIR came to be registered.

3. The Petitioner, who has joined the proceedings in person states that the parties have amicably resolved all outstanding disputes, and have executed a Memorandum of Understanding 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 Petitioner, and has voluntarily expressed her no objection to the quashing of the subject FIR and all proceedings arising therefrom.

4. The Complainant, present in person and duly identified by her counsel and the IO, unequivocally states before this Court that she no longer wishes to pursue the FIR against the Petitioner. 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.

5. The Court has considered the submissions of the parties. While the



offence under Section 74 of BNS is non-compoundable, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 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.

6. 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.”

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 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

8. 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 take into account 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, since the State machinery was set in motion, the ends of



justice will be served if the Petitioner is put to cost.

10. In view of the foregoing, the present petition is allowed, and FIR No. 63/2025, registered at P.S. Chanakya Puri, as well as all proceedings emanating therefrom are quashed, subject to payment of a cost of INR 25,000/- by the Petitioner to the Delhi Police Welfare Fund within six weeks. Proof of payment be submitted with the concerned IO.

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

12. Accordingly, the petition is disposed of.

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

SANJEEV NARULA, J

JULY 31, 2025

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