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

+ **CRL.M.C. 5166/2025**

ASIF ALI & ORS.

.....Petitioners

Through: Ms. Ekta Gaur and Mr. Mubashshir
Javaid Siddiqui, Advocates with
Petitioner Nos. 1 to 3 (in-Person).

versus

STATE OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.

Respondent Nos. 2 to 4 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **01.08.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 27/2021 dated 11th January, 2021, registered under Sections 323, 308, 341 and 34 of the Indian Penal Code, 1860³ at P.S. Kalandi Kunj, Delhi and all proceedings emanating therefrom.

2. Briefly stated, the prosecution's case against the Petitioners is that, on the intervening night of 10th and 11th January 2021, at approximately 12:30 AM, the Complainant (Respondent No. 2) was returning home in his car (a Brezza bearing DL3CCR2354), accompanied by Respondent Nos. 3 and 4. During the journey, their vehicle was involved in a minor collision with

¹ "BNSS"

² "Cr.P.C."



another car (an Alto bearing DL3SBC9448) occupied by three individuals, namely Asif Ali, Sameer Khan and Mohd. Adil (Petitioner Nos. 1 to 3). Following the collision, a verbal altercation ensued. Upon observing that the occupants of the Alto appeared to be in an inebriated state, Respondent Nos. 2 to 4 chose to leave the scene.

3. The Petitioners subsequently followed the Complainant's vehicle and contacted another individual, Shahvej (Petitioner No. 4). They then intercepted the Complainant's car and engaged in a verbal altercation which escalated into a physical assault on the occupants. The Petitioners allegedly pelted stones and bricks at the Complainant's vehicle, causing damage to its glass panes. During the incident, the Complainant sustained a head injury, after being struck by a brick, causing bleeding. As a crowd began to gather, the four assailants fled the scene, abandoning their Alto at the spot. The Complainant was then taken to a hospital, where an MLC was conducted, and the injury was recorded as 'grievous'. Subsequently, an ASI arrived at the hospital, and based on the Complainant's statement, the impugned FIR was registered under Sections 323, 308, 341, and 34 of IPC. During the investigation, a chargesheet has also been filed in the present case.

4. The Parties submit that, with the intervention of common friends, relatives and well-wishers, they have amicably settled their disputes and differences and that the Respondent No. 2 to 4 have decided not to pursue the present FIR against them. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 18th July, 2025, has been executed between the Petitioners and Respondent Nos. 2 to 4 as per which, the said Respondents

³ "IPC"

⁴ "Settlement Agreement"



have decided to withdraw all pending cases against the Petitioners and have agreed to cooperate with the Petitioners for seeking quashing of the subject FIR. A copy of the MoU has been placed on record and perused by the Court.

5. In view of the settlement, Respondent Nos. 2 to 4, who appear in person, and are identified by the Investigating Officer, unequivocally state that they do not wish to pursue the subject FIR against the Petitioners. They state that the decision to settle the matter is voluntary and made without any undue influence or coercion or force. To this effect, their Affidavits/No Objection Certificates have been placed on record. Petitioners No. 1 to 3 have also joined the proceedings in person and are 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. Mr. Hemant Mehla, APP for the State has apprised the Court that Petitioner No. 4 – Shahvej @ Monu @ Sabed Malik could not appear as he is presently detained in judicial custody in relation to another FIR. Nonetheless, the Settlement Agreement has also been executed by him.

7. The Court has considered the submissions of the parties for seeking quashing of the subject FIR. While Section 308 of IPC is non-compoundable, Sections 323 and 341 of IPC are compoundable by the person to whom the hurt is caused and by the person restrained or confined, respectively. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (corresponding to 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.***⁵ 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]

8. 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. Although the offence under Section 308 of the IPC cannot be treated as strictly ‘*in personam*’, as 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 Complainants 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 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and FIR No. 27/2021 dated 11th January, 2021, registered under Sections 323, 308, 341 and 34 of the Indian Penal Code, 1860⁷ at P.S. Kalandi Kunj, Delhi and all proceedings emanating therefrom are hereby quashed, subject to payment of cost by the Petitioners of INR 5,000/- each with the Delhi Police Welfare Fund. The proof of deposit be submitted to the concerned Investigating Officer within a period of 15 days from today.

11. In terms of Petitioner No. 4, even though he is presently in judicial custody and could not appear before the Court, since the Complainants have unequivocally decided not to pursue the matter against all of the Petitioners, it is deemed fit that the proceedings against him also stand quashed, subject to payment of cost in the above terms.

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

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

SANJEEV NARULA, J

AUGUST 1, 2025

as

⁷ “IPC”