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

+ **CRL.M.C. 5369/2025 & CRL.M.A. 23135/2025**

RAKESH & ORS.

.....Petitioners

Through: Mr. Rohit Kudiya, Mr. Ashutosh, Mr. Sumit Bhati, Mr. Ashutosh Awana and Ms. Kajal Mehla, Advocates with Petitioners.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State.
SI Sunil Kr., PS: Ambedkar Nagar.
Mr. Markandey Gupta, Advocate.

+ **W.P.(CRL) 2347/2025**

GAURAV KUMAR AND ORS

.....Petitioners

Through: Mr. Markandey Gupta, Advocate.

versus

THE STATE GOVT OF NCT DELHI ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for the State.
SI Sunil Kr., PS: Ambedkar Nagar.
Mr. Rohit Kudiya, Mr. Ashutosh, Mr. Sumit Bhati, Mr. Ashutosh Awana and Ms. Kajal Mehla, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER



% **08.08.2025**

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seeking quashing of cross FIRs, the details of which are as follows:

- (i) In CRL.M.C. 5369/2025: FIR No. 138/2021 dated 20th March, 2021 under Sections 308/506/34 of the Indian Penal Code, 1860³, registered at P.S. Ambedkar Nagar, at the instance of Narayan Singh against Rakesh, Mukesh, Akash, Sagar, Aman, Shyam Lal, Rohit, Sunny, Rishabh; and
- (ii) In W.P.(CRL) 2347/2025- FIR No. 139/2021 dated 20th March, 2021, under Sections 308/34 of the IPC, registered at P.S. Ambedkar Nagar, at the instance of Asha against Narayan Singh, Sheela, Ajay Kumar, Vijay, Rajesh, Gaurav, Poonam, Shobha, and Babita.

2. Briefly stated, the case of the complainant Narayan Singh in FIR No. 138/2021 is that the accused persons, who are his neighbours, on 19th March, 2021, allegedly surrounded him and his family when they were escorting some relatives to a cab. It is alleged that Akash, riding a motorcycle at high speed, began abusing them and demanded they move aside. Thereafter, all the accused persons named in the FIR allegedly gathered and attacked Narayan Singh's family. Rakesh was allegedly armed with a stick, while others picked up bricks, stones, and flower pots, and began assaulting his family with the intent to kill. It is further alleged that Rakesh struck Vijay on the temple with a sharp object, resulting in bleeding injuries. Based on these allegations, FIR No. 138/2021 came to be registered.

¹ "CrPC"

² "BNSS"

³ "IPC"



3. On the other hand, the case of the complainant Asha in FIR No. 139/2021 is that on 19th March, 2021, when Narayan Singh and his family had gone to drop some relatives and were returning, Akash, who was riding a motorcycle, requested them to give way. It is alleged that Rajesh abused Akash, and when the latter persisted in seeking way, Rajesh got agitated. Thereafter, Narayan Singh's family members allegedly physically assaulted Akash and another neighbour, Sandeep. When Asha, along with Rohit, Shyam Lal, Sunny, Sagar, Aman, Mukesh, and Rakesh attempted to intervene, a scuffle ensued. It is further alleged that Gaurav, Poonam, and Shobha began pelting stones from the first floor. During the altercation, Sandeep was allegedly struck with a rod on his hands and head by Gaurav, and both Asha and Rakesh also sustained injuries. On the basis of these allegations, FIR No. 139/2021 came to be registered.

4. In CRL.M.C. 5369/2025, chargesheet has been filed against the accused persons under Sections 308/506/34/201 of the IPC, while in W.P.(CRL.) 2347/2025, the investigation is presently ongoing. All of the Petitioners submit that they are neighbours, and on the intervention of relatives and respectable persons of society, have amicably settled the dispute between themselves. In this regard, the Petitioners in both cases submit that they have also executed a common Memorandum of Understanding⁴ dated 25th March, 2021. The said MoU is executed between the Complainant and the accused of both the FIRs.

5. As per the MoU, both the complainants, *i.e.*, Asha and Narayan Singh, have agreed to settle the matter and seek joint quashing of the



litigations arising out of the cross FIRs. A copy of the MoU has been placed on record, and is perused by the Court.

6. In view of this settlement, the Complainants, who are present in Court and identified by the Investigating Officer, have expressed their unequivocal intent not to pursue the FIR proceedings. 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 FIRs and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offences under Sections 308 and 201 of the IPC are non-compoundable, Section 509 is compoundable by the woman insulted or whose privacy was intruded upon, 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.**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,

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.”

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 either of the aforesaid two objectives.”

[Emphasis Supplied]

9. Although the offence under Sections 308 and 201 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

⁶ (2014) 6 SCC 466



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 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.

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

11. In view of the foregoing, the present petitions are allowed and FIR No. 138/2021 and FIR No. 139/2021, both registered at P.S. Ambedkar Nagar and all the proceedings emanating therefrom are quashed, subject to payment of a cost of INR 5,000/- by each of the parties to the Delhi Police Welfare Fund, within a period of six weeks from today.

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

13. Accordingly, the petitions are disposed of.

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

SANJEEV NARULA, J

AUGUST 8, 2025

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