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

+ **W.P.(CRL) 3767/2023**

SUNDER SINGH & ORS.

.....Petitioners

Through: Mr. Ajay Kumar Jain, Advocate.

versus

STATE THROUGH SHO CONCERNED & ANR.Respondents

Through: Mr. Sanjay Lao, ASC for State with
Ms. Madhuri, SI, PS-Pul Prahladpur.

+ **W.P.(CRL) 202/2024**

SH. DINESH AND ORS

.....Petitioners

Through: Mr. Nikhil Mehta, Mr. Varun Sharma
and Mr. Manoj Kumar, Advocates.

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Ms. Madhuri, SI, PS-Pul Prahladpur.
Mr. Nikhil Mehta, Mr. Varun Sharma
and Mr. Manoj Kumar, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.08.2025

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1. The present petitions filed under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita,

¹ "CrPC"



2023²), seeking quashing of cross FIRs, the details of which are as follows:

- (i) In W.P.(CRL) 3767/2023 - FIR No. 149/2023 dated 17th May, 2023 registered under Sections 323/324/341/354(B)/354/509/506/34 of the Indian Penal Code, 1860³ at P.S. Pul Prahladpur, Delhi. The said FIR was lodged against Sunder Singh, Mona, Priyanka and Neha; and
- (ii) In W.P.(CRL) 202/2024 - FIR No. 148/2023 dated 17th May, 2023, registered under Sections 323/341/354/509/506/34 of IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012,⁴ at P.S. Pul Prahladpur, Delhi. The said FIR was against Dinesh, Nisha Devi, Jagwati Devi and Rupali.

2. Briefly stated, the case of the Complainant in FIR No. 149/2023 against Sunder Singh and other co-accused persons is that on the morning of 17th May, 2023, at around 8:00 AM, the Complainant was at home when Sunder Singh (tenant) started abusing her over water supply issues. Upon questioning the abusive language, Sunder Singh's wife Mona, along with her sisters Priyanka and Neha, joined in and physically assaulted the Complainant by grabbing her hair, throwing her to the ground, and beating her. During the scuffle, Sunder Singh intentionally struck the Complainant on her chest and tore her T-shirt. The Complainant's parents came to intervene but were also beaten by the aforementioned accused persons. Priyanka additionally bit the Complainant's arm. As the Complainant and her family tried to retreat, the accused again attacked and threatened them with serious harm if they reported the incident. Police and emergency services were called, and the Complainant and her mother were taken to the

² "BNSS"

³ "IPC"



AIIMS Trauma Centre for medical treatment.

3. On the other hand, the Complainant in FIR No. 148/2023, complained that on the evening of 16th May, 2023, the Complainant and her mother were informed that Mona, the Complainant's sister, and her husband were being assaulted by Dinesh (landlord) and his family (Nisha Devi, Jagwati Devi and Rupali). Concerned, the Complainant, her mother and sister Priyanka rushed back but found the situation calmed. The next morning, due to water supply issues, Mona and her husband approached Dinesh to complain. Dinesh refused water supply and allegedly pushed Mona when she requested a rent refund. The Complainant, watching from upstairs, came down to intervene but was abused verbally by Dinesh. During the altercation, Dinesh allegedly pressed the Complainant's breast from behind and continued to abuse her, while Dinesh's wife physically assaulted the Complainant.

4. Nonetheless, the parties in the two FIRs have amicably settled their disputes. In this regard, both sets of Petitioners submit that they have executed two Memorandum of Understandings⁵ dated 7th June, 2023 and 27th June, 2023. As per the terms of the said MoUs, the Complainants in both the matters have voluntarily agreed to settle the matter and seek quashing of the proceedings arising out of the respective cross FIRs.

5. The Complainants in the impugned FIRs, who are present in person and duly identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the FIR proceedings any further. They have affirmed to the Court that their decision to settle the matter is voluntary and free from any coercion or undue influence.

⁴ "POCSO"

⁵ "MoU"



6. The Court has considered the submissions of the parties. While the offences under Sections 324/354/354(B) of IPC and Section 8 of POCSO Act, are non-compoundable, Sections 323/341/509/506 of IPC are compoundable in certain cases.

7. 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.

8. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁶ 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.”

9. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁷ 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

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



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]

10. Although the offences under Sections 324/354/354(B) of IPC and Section 8 of POCSO Act cannot be treated as strictly *in personam*, and they touch 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 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 482 of the Cr.P.C. to secure the ends of justice.

11. In view of the foregoing, the present petitions are allowed and the impugned FIR No. 149/2023 and FIR No. 148/2023 and all proceedings emanating therefrom are hereby quashed.

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

13. Accordingly, the petition is disposed of. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

AUGUST 5, 2025

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