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

+ CRL.M.C. 5498/2025, CRL.M.A. 23531/2025

SAHITYA SUBHAM SINGH & ORS.

.....Petitioners

Through: Mr. Amit Chadha, Senior Advocate
with Mr. Rakesh Bhugra, Mr. Atin
Chadha, Ms. Manisha Chadha,
Mr. Harjas Singh, Mr. Dhruv Tomar
and Mr. Kartik Shoukan, Advocates.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Lal Chand, SI, PS-S.B.
Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 980/2022³ registered under Sections 323/341/506/34 of the Indian Penal Code, 1860⁴ at P.S. Shahbad Dairy and all proceedings emanating therefrom. Subsequently, chargesheet has been filed against the Petitioners under Sections 308/323/341/506/34 of IPC.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



2. The impugned FIR was lodged on the basis of a complaint made by Respondent No. 2, who alleged that on 29th December, 2022, at around 9:00 PM, he was present at his medical store when three boys were standing nearby, waiting for their food order from a shop in the vicinity. The boys were allegedly using abusive language towards the food shop owner. Respondent No. 3, who runs a stationary shop adjacent to the medical store, admonished them for their conduct. At this, one of the boys began arguing and physically confronting Respondent No. 3. When Respondent No. 2 intervened, the boy pushed him, causing him to fall down the stairs of the shop. That boy was later identified as Sahitya (Petitioner No. 1), who allegedly instructed his companions, Kunal (Petitioner No. 2) and Suraj (Petitioner No. 3), to restrain Respondent No. 2. Thereafter, Sahitya is alleged to have punched Respondent No. 2 in the face and one of the other boys struck him on the head with an object, causing Respondent No. 2 to lose consciousness.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioners and have decided not to pursue the impugned FIR against them. Pursuant to this settlement, the Petitioners and Respondents No. 2 and 3 executed a Settlement Deed dated 28th July, 2025 whereby the said Respondents have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give their no-objection to the quashing of the impugned FIR.

4. Respondents No. 2 and 3, who are present in person and duly identified by the Investigating Officer, state that they do not wish to pursue



the FIR proceedings. Respondent No. 2 states that he has received INR 3,50,000/- from the Petitioners as his medical expenses. In light of the amicable resolution between the parties, the Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 308 of IPC is non-compoundable, Sections 323, 341 and 506 of IPC are compoundable, with the permission of the Court.

6. It is well-settled that in the exercise of its inherent powers under Section 482 of 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, 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 exercise in futility.”

[Emphasis supplied]

7. 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

⁵ (2012) 10 SCC 303

⁶ (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.

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]

8. As evident from the afore-noted extracts, 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 has 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.

9. However, since the State machinery has been set into motion and charges have been framed, justice will be served if the Petitioners are put to cost.

10. In view of the foregoing, the present petition is allowed and impugned FIR No. 980/2022 as well as all consequential proceedings arising therefrom are hereby quashed, subject to depositing INR 7,500 cost/- each by the Petitioners to the Delhi Police Welfare Fund.

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

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

SANJEEV NARULA, J

AUGUST 12, 2025

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