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

+ CRL.M.C. 5585/2025, CRL. M.A. 23981/2025

BHUPENDRA KUMAR MANDAL AND ORSPetitioners

Through: Mr. Bhavneet Singh, Advocate

versus

THE STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Mukesh Kumar, APP for State.
Mr. Kumar Gaurav Vimal, Advocate
for Respondent No. 2 to 4

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.08.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 387/2022,³ under Sections 308/323/341/34 of the Indian Penal Code, 1860⁴, registered at P.S. Mundka and all proceedings emanating therefrom. Subsequently, a chargesheet was also filed against the Petitioners under Sections 308, 323, 325, 341 and 34 of IPC.

2. Briefly, the case of the prosecution against the Petitioner is that on 17th March, 2022, at about 08:20 p.m., the Complainant (Respondent No.2),

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



Chotelal, was returning home near Metro Pillar No. 619, Village Ghevra, Delhi, where his elder brother Badelal (Respondent No. 3) runs a stall. Badelal informed him that one Madan (Petitioner No. 4), a guard at Sunny Toy Factory, had assaulted him and was not returning INR 1700/- due to him. Around 08:30 p.m., the Complainant along with his brothers, Mithelal (Respondent No. 4) and Badelal, went to the said factory to speak with Madan. It is alleged that upon being confronted, Madan abused them, attacked Mithelal with a stick, and threatened that he would not return the money. At this stage, Madan's associates, namely Prem Kumar, Bhupender and Vikram, arrived, armed themselves with sticks and iron pipes, and assaulted the complainant and his brothers, causing injuries. The injured were taken to SGMH, Mangolpuri, where their MLCs were prepared. The doctor opined that Chotelal and Badelal had sustained simple injuries, while in the case of Mithelal, the opinion was initially reserved but later his injuries were found to be grievous. On the basis of the complaint, MLCs and PCR call, the impugned FIR was registered on 18th March, 2022.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2, 3 and 4 have amicably resolved the dispute with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this settlement, a Memorandum of Understanding⁵ dated 11th August, 2025, has been executed between the Petitioners and Respondents No. 2-4.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondents have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give them no



objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioners agreed to pay a total sum of INR 50,000/- to Respondent No. 2, 3 and 4 as final settlement amount. Of the said amount a sum INR 35,000/- was paid to Respondent No. 2 at the time of signing of the MoU. As per the MoU, the second instalment was to be paid by the Petitioners, at the time of quashing of the FIR. A copy of the MoU is placed on record and perused by this Court.

5. Respondents No. 2-4, who are present in Court and identified by the Investigating Officer, confirm that they have voluntarily and without any pressure or coercion from anyone, settled all their issues and disputes with the Petitioners. They state that they executed the MoU with the Petitioners out of their own free will.

6. Considering the nature of injuries sustained by Respondent No. 4 which necessitated hospitalization, the Petitioners voluntarily enhanced the compensation amount by a further sum of INR 25,000/-. The enhanced total settlement amount of INR 75,000/- has been paid through online bank transaction to Respondent Nos. 2 to 4, which is duly acknowledged by them. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. It is noted that while an offence under Section 308 IPC is non-compoundable, the offences under Sections 323 and 341 IPC are compoundable by the person hurt and the person restrained, respectively. Further, an offence under Section 325 IPC is compoundable by the person so hurt, with the permission of the Court. It is well settled that in the exercise of its inherent powers

⁵ “MoU”



under Section 528 BNSS (now Section 528 Cr.P.C.), 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.**⁶ 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.**,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 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***

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



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]

9. Although the offences under Sections 308 and 325 of the IPC cannot be treated as ‘*in personam*’, and they 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 not only prove futile, but would also serve no worthwhile public interest. The Complainant in the present case has categorically expressed his 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 528 of the BNSS to secure the ends of justice.

10. In view of the above, and considering that the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost.

11. Accordingly, the present petition is allowed and FIR No. 387/2022, registered at P.S. Mundaka as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of a total cost of INR 3,000/- by each of the Petitioners to the Delhi Police Welfare Fund, within a period of four weeks from today. The proof of payment of cost be submitted with the concerned IO.

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 14, 2025/MK