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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2559/2025 & CRL.M.A. 24173/2025**

KAVITA & ORS.

.....Petitioners

Through: Mr. Suraj Prakash Sharma, Advocate
with Petitioners (in-Person).

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
State.
ASI Malkhush Singh, P.S. Nihal
Vihar.
Respondent No. 2 (in-Person).

+ **W.P.(CRL) 2588/2025 & CRL.M.A. 24632/2025**

MANISH AGGARWAL & ORS.

.....Petitioners

Through: Mr. Suraj Prakash Sharma, Advocate
with Petitioners (in-Person).

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
State.
SI Pinkhi, P.S. Nihal Vihar.
Respondent No. 2 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.08.2025

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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 W.P.(CRL) 2559/2025 - FIR No. 1042/2020 dated 3rd November, 2020 under Sections 323/354B of the Indian Penal Code, 1860³, registered at P.S. Nihal Vihar, against Kavita, and Manish on a complaint filed by XX; and
- (ii) In W.P.(CRL) 2588/2025 - FIR No. 1041/2020 dated 3rd November, 2020, under Sections 323/324/354B/34 of IPC, registered at P.S. Nihal Vihar against Manish Aggarwal, Monika and Veena on a complaint filed by YY.

2. Briefly stated, the case of XX in FIR No. 1042/2020 against Kavita and her brother Manish is that on 2nd November, 2020, at about 2:00 PM, a quarrel took place at House No. B-23, Gali No. 10, Chander Vihar, Delhi. Kavita, who is married to the XX's elder son Manoj, called her brother (Manish) and sister-in-law (Yogita) to the spot during the altercation. In the course of the incident, Kavita physically assaulted XX, while her brother Manish tore the XX's clothes. On the basis of her complaint and supporting circumstances, the present FIR was registered under Sections 323/354B of IPC. During investigation, it emerged that Yogita, along with Manish and Kavita, had jointly assaulted XX. It was further revealed that Manish had earlier threatened XX with dire consequences, including death, if Kavita was not settled in the Paschim Vihar house. In view of these findings, chargesheet was filed against Kavita, Manish, and Yogita under Sections

¹ "CrPC"

² "BNSS"



323/354B/506/34 of IPC.

3. On the other hand, the complainant YY in FIR No. 1041/2020 states that following frequent quarrels with her husband (Manoj) and in-laws over household disputes and residence issues, she had to be hospitalized due to consumption of sleeping pills. On 2nd November, 2020, at about 2:00 PM, while she was resting at her matrimonial home at Chander Vihar after discharge from hospital, her husband Manoj, mother-in-law (Veena), and brother-in-law (Manish Aggarwal) entered the house. It is alleged that Manish struck YY on the head with a sharp object and tore her clothes, while her Veena attempted to hurt herself in order to falsely implicate YY. During the incident, the door lock was also broken, and in the scuffle, YY sustained injuries. She was thereafter taken to Sanjay Gandhi Hospital by police, where her MLC was prepared recording simple injuries. YY further alleged that Manish Aggarwal, Monika Kapoor Aggarwal (sister-in-law), and Veena, along with her husband, were continuously harassing her and attempting to dispossess her from the Paschim Vihar residence. Based on these allegations and supporting medical evidence, FIR No. 1041/2020 was registered under Sections 323/324/354B/34 IPC. Consequently, chargesheet was filed against Manish Aggarwal under Sections 323/324/354B/34 while the names of Manika Kapoor Aggarwal and Veena were placed in Column No. 12.

4. All of the Petitioners submit that during the pendency of the proceedings arising from the two FIRs, the parties have amicably settled their disputes. In this regard, both sets of Petitioners submit that they have

³ “IPC”



executed two Memorandum of Understandings⁴ both dated 8th July, 2025: the first MoU was executed between Manish, Yogita and Kavita (First Party) and XX (Second Party). The second MoU, was executed between Manish Aggarwal, Veena, and Monika Kapoor Aggarwal (First party) and YY (Second Party).

5. As per the terms of the said MoUs, both the Complainants seek quashing of the proceedings arising out of the respective cross FIRs. Copies of the MoUs have been placed on record, and have been duly perused by the Court. In view of this settlement, the Complainants in the two FIRs, who appear before the Court and duly identified by the concerned IO, have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily.

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

7. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁵ 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

⁴ “MoU”

⁵ (2012) 10 SCC 303



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.”

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 offences under Sections 324/354(B) of IPC cannot be treated as strictly *in personam*, and they touch upon public concerns rather

⁶ (2014) 6 SCC 466



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.

10. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs. Accordingly, all the parties are directed to deposit INR 2,500/- each with the Delhi Police Welfare Fund.

11. In view of the foregoing, the present petitions are allowed and FIR No. 1042/2020 under Sections 323/354B/506/34 of IPC registered at P.S. Nihal Vihar, and FIR No. 1041/2020 dated 3rd November, 2020, under Section 323/324/354B/34 of IPC are quashed. Accordingly, all proceedings emanating from the above two FIRs are also quashed.



12. The parties shall abide by the terms of settlement.
13. Accordingly, the petition is disposed of.
14. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

AUGUST 20, 2025
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