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

+ **W.P.(CRL) 2634/2025**

MITHILESH KUMAR SHARMA

.....Petitioner

Through: Mr. Satish Kumar Tripathi and
Mr. K.K. Chauhan, Advocates with
Petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, SC for State.
SI Rohit Teotia, PS-South Avenue.
Mr. Neharu Gurjar, R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.12.2025

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1. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0007/2025 dated 7th June, 2025, registered under Section 110 of the Bharatiya Nyaya Sanhita, 2023³ at P.S. South Avenue, New Delhi, and all consequential proceedings emanating therefrom.
2. The prosecution case arises from information received from RML Hospital regarding MLC of one Neharu Gujjar, who had been admitted on 7th June, 2025, with alleged history of physical assault at the L&T Labour

¹ "BNSS"

² "CrPC"

³ "BNS"



Camp near Sena Bhawan, Delhi. On reaching the hospital, the police found the injured unconscious, under treatment, and unfit to give a statement. The MLC recorded a lacerated wound over the frontal region and swelling over the right eyelid. The IO thereafter visited the place of incident, where a spot of blood stains was identified and local inquiry suggested that a scuffle had taken place. In view of the nature of injuries, the condition of the injured, and the observations at the scene, the FIR was registered.

3. The parties state they have amicably resolved their dispute and they have executed a Deed of Mutual Settlement cum Compromise dated 18th August, 2025. The copy of the Deed is on record and perused by the Court. In terms of the compromise, the Petitioner agreed to pay a total sum of INR 5,00,000/- to Respondent No. 2 as the final settlement amount.

4. On 26th November, 2025, the Petitioner had voluntarily offered to increase the compensation amount to INR 5,50,000/- and had sought a short accommodation to arrange for the balance amount.

5. Respondent No. 2, who appears in person, duly identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He submits that the altercation arose on the spur of the moment, without any premeditation or intention of the Petitioner to cause fatal harm. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. He further confirms that he has received the entire settlement amount. The Petitioner has also joined the proceedings in person and is duly identified by the IO. In light of the amicable resolution, the parties jointly seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. Notably, the



offence under Section 110 BNS is non-compoundable in nature. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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.**⁴ 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]

7. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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. Although the offence under Section 110 BNS cannot be treated as strictly ‘*in personam*’, and it touches 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.



9. Respondent No. 2 has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. He has also stated that the scuffle occurred on the spur of the moment and that there was no pre-existing motive on behalf of the Petitioner. Although the MLC reflects the injuries as grievous in nature, the investigation record does not reveal the use of any weapon, nor does it indicate that the act was preceded by planning, targeting, or any deliberate attempt to cause harm of a fatal nature. The suddenness of the altercation, the absence of premeditation, and the circumstances in which the injuries were inflicted collectively cast doubt on the presence of the intention or knowledge required to establish an offence under Section 110 BNS. At this stage, while this Court refrains from recording any conclusive determination on merits, these factors substantially weaken the likelihood of proving the requisite *mens rea* for an “*attempt to commit culpable homicide*”. When viewed together with the complainant’s unequivocal stance, the prospect of the prosecution securing a conviction becomes exceedingly remote. 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.

10. 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 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 0007/2025 dated 7th June, 2025, registered under Section 110 BNS at P.S. South Avenue, New Delhi, and all consequential proceedings emanating



therefrom, are hereby quashed.

12. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of payment of deposit to be submitted to the IO.

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

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

SANJEEV NARULA, J

DECEMBER 10, 2025

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