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

+ **CRL.M.C. 5860/2025 & CRL.M.A. 25041/2025**

DILSHAD & ANR.

.....Petitioners

Through: Mr. Sandeep Sharma, Mr. Rohit Gupta, Advocates with Petitioners in person

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Snehlata, PS Aman Vihar
R-2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.10.2025**

1. The present petition under 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. 735/2024 dated 16th November, 2024, registered under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Aman Vihar, Rohini and all consequential proceedings emanating therefrom.
2. Briefly stated, the case of the Prosecution arises from a complaint lodged by Head Constable Ravinder Rana regarding a road accident that

¹ "BNSS"

² "CrPC"

³ "BNS"



occurred at 100 Futa Road, near the CNG Pump, Aman Vihar, Delhi. Upon reaching the scene, two motorcycles were found in a damaged condition, indicative of a collision. Preliminary enquiry revealed that the two vehicles had been involved in an accident, wherein the offending vehicle, registered in the name of Petitioner No. 2, was being driven by Petitioner No. 1 at the relevant time. As a result of the said accident, Respondent Nos. 2 and 3 sustained injuries. Respondent No. 2 was identified as the driver of the second motorcycle involved in the collision, while Respondent No. 3 was riding pillion on the offending vehicle. Respondent No. 3 is stated to have suffered simple injuries, while Respondent No. 2 sustained grievous injuries. Pursuant to the said complaint, the present FIR came to be registered.

3. Upon conclusion of investigation, chargesheet was filed for the offences under Sections 281/125(a)/(b) of the BNS and Sections 3/180/5/181/196 of the Motor Vehicles Act, 1988.⁴ In addition to the registration of the present FIR, separate proceedings under the MV Act were initiated by Respondent Nos. 2 and 3 against the Petitioners.

4. The Petitioners submit that they have amicably resolved the dispute with Respondent Nos. 2 and 3, who have decided not to pursue the present criminal proceedings against them. In furtherance thereof, Respondent Nos. 2 and 3 have entered into separate settlement agreements dated 24th March, 2025 with the Petitioners, executed before the Mediation Centre, Rohini District Courts. Copies of the said agreements have been placed on record and perused by this Court.

5. As per the terms of the settlement, all disputes and differences between the Petitioners and Respondent Nos. 2 and 3 have been mutually



resolved, and Respondent Nos. 2 and 3 have voluntarily agreed to give their no objection to the quashing of the subject FIR. In terms of the settlement, the Petitioners have agreed to pay a sum of INR 2,00,000/- to Respondent No. 2 and INR 15,000/- to Respondent No. 3.

6. Taking note of the settlement amount of INR 2,00,000/- proposed to be paid to Respondent No. 2, and in view of the grievous injuries sustained by him, this Court had directed the State to file a status report indicating the medical expenses incurred by Respondent No. 2 towards his treatment. In compliance, the State has filed the status report, verifying the medical expenses of INR 1,95,000/-. The report further records that the offending vehicle was uninsured at the time of the accident.

7. In view of the above, and upon a specific query posed by the Court, the Petitioners have agreed to enhance the compensation payable to Respondent No. 2 by an additional sum of INR 50,000/-. The said amount has been paid to Respondent No. 2 during the course of proceedings, as duly acknowledged by him before this Court.

8. In view of the settlement, the Complainants, who appear before the Court in person and are identified by the Investigating Officer, unequivocally state that they do not wish to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

9. The Court has considered the submissions of the parties. While the offence under Section 281 of the BNS is non-compoundable, the offences

⁴ “MV Act”



under Section 125(a) of the BNS as well as Sections 180/181/196 of the MV Act are compoundable in certain cases, with the permission of the Court.

10. It is well settled that in the exercise of its inherent powers under Section 482 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 an exercise in futility.”

[Emphasis added]

11. 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

12. Although the offence under Section 281 of the 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.

13. 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.

14. In view of the foregoing, the present petition is allowed, and FIR No. 735/2024, P.S. Aman Vihar as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

OCTOBER 9, 2025/ab