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

+ W.P.(CRL) 2665/2025 & CRL.M.A. 25184/2025

MOHD IQBAL @ IQBAL KHAN & ANRPetitioners

Through: Mr. Imran, Advocate for the
Petitioners.

versus

THE STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State along with SI Braham
Prakash, PS Sultan Puri.
Mr. LR Shamri, Advocate for the
Respondent No. 2 to 5

+ W.P.(CRL) 3108/2025

VINOD JAISWAL @ BINOD KUMAR JAISWAL

& ANRPetitioners

Through: Mr. LR Shamri, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR ..Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State along with W/SI Sunil.
Mr. Imran, Advocate for the R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.11.2025

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1. The present petitions under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code, 1973¹ (corresponding to

¹ "CrPC"



Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²) seek quashing of two FIRs, FIR No. 1118/2014 [subject matter of W.P.(CRL) 3108/2025] and FIR No. 1119/2014 [subject matter of W.P.(CRL) 2665/2025]. Both FIRs are dated 2nd October, 2014, and were registered at P.S. Sultanpuri, the former under Sections 308, 354, 342, 323 and 34 of the Indian Penal Code, 1860³, and the latter under Sections 308, 452, 427, 323 and 34 IPC. The petitions are founded on a settlement arrived at between the petitioners and the respective complainants in the two FIRs, namely Mohd. Iqbal @ Iqbal Khan and Rajender Jaiswal.

2. FIR No. 1118/2014 was registered on the complaint of Mohd. Iqbal @ Iqbal Khan, a property dealer who claimed ownership of the premises located in DDA Market, Sultanpuri, which he had rented out to one Ram Swaroop Bhagat (father of Rajender Jaiswal) in January 2013, with litigation regarding the said shop already pending. He alleged that on 2nd October, 2014, while construction work was ongoing on the upper floor, the labourers were stopped by Ram Swaroop, prompting Iqbal to send his father Mohd. Sharif and others to the site. Shortly thereafter, Iqbal's wife informed him that Ram Swaroop and his associates had confined Sakeel and his father inside the shop. Upon reaching the spot, Rajender Jaiswal and his associates allegedly misbehaved with him, tore apart his clothes, and struck him with iron weights, while Vinod, Rajender's brother, hit Rashid with a shovel. It is further alleged that stones were pelted at them as they left the place.

3. Conversely, FIR No. 1119/2014 was registered on the complaint of Rajender Jaiswal, who runs a grocery shop at DDA Market, Sultanpuri,

² "BNSS"

³ "IPC"



along with his father Ram Swaroop Bhagat and two sons, Dheeraj and Vikas Kumar. He alleged that the shop had been taken on security from Shabana Khatun, wife of Mohd. Iqbal @ Iqbal Khan, on 1st January, 2013, upon payment of INR 10,00,000/-, and was later transferred in his name in May 2014. On 2nd October, 2014, Mohd. Iqbal, his father Mohd. Sharif, and others allegedly came to the shop, where a quarrel broke out. It is alleged that Iqbal abused the complainant, entered the shop, scattered goods, and along with others, assaulted the complainant and his family members.

4. The parties, with the intervention of common friends, relatives, and other respected members of the locality, engaged in discussions and succeeded in amicably resolving their disputes. A Settlement Deed dated 6th February, 2025, has been executed between them, a copy of which has been placed on record. Under the settlement, both complainants, Mohd. Iqbal @ Iqbal Khan and Rajender Jaiswal, have mutually undertaken to withdraw all allegations levelled against each other and to jointly seek quashing of the proceedings arising from the two FIRs.

5. Both complainants are present before the Court in person and have been duly identified by the Investigating Officer. They have expressed their unequivocal consent to the settlement and their intent not to pursue the FIRs any further. Each has filed an Affidavit/No-Objection Certificate affirming that the compromise was entered into voluntarily, without any coercion, pressure, or undue influence.

6. It is noted that two individuals implicated in FIR No. 1119/2014, namely Sakeel and Mohd. Sharif, have since deceased, and the proceedings *qua* them stand abated as per the final report under Section 173 CrPC.

7. The Court has considered the submissions advanced by the parties. It



is true that while offences under Sections 323, 342 and 427 IPC are compoundable in certain cases, the offences under Sections 308, 354 and 452 IPC are non-compoundable in nature. However, it is well settled that in exercise of its inherent powers under Section 528 BNSS (corresponding to 482 CrPC), 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 clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The 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.**,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:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 308, 354 and 452 IPC cannot be treated as strictly ‘*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.

10. The Complainants in both FIRs have categorically expressed their unequivocal intent not to pursue the matter any 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.

11. 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.

12. In view of the foregoing, the present petitions are allowed, and FIR No. 1118/2014 and FIR No. 1119/2014, both registered at P.S. Sultanpuri, as well as all proceedings emanating therefrom are hereby quashed.

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

14. It is expected that the parties shall abide by the terms of settlement.

15. Accordingly, the petitions are disposed of. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

NOVEMBER 6, 2025/MK