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

+ **CRL.M.C. 6247/2025 & CRL.M.A. 26419/2025**

NAUSHAD & ANR.

.....Petitioners

Through: Mr. Amit Kumar, Advocate with
Petitioners in person

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Dinesh Kumar, PS New
Usmanpur
R-2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.09.2025

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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. 646/2022 dated 21st June, 2022, registered under Sections 323, 341, 354, 509 and 34 of the Indian Penal Code, 1860³ at P.S. New Usmanpur, Delhi and all other proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution against the Petitioners is as follows:

2.1. On 20th June, 2022, at about 8:00 PM, the Complainant, along with

¹ "BNSS"

² "CrPC"

³ "IPC"



her elder daughter and son, went to the shop of Petitioner No. 2, Shadab, situated at III Pusta, Usmanpur, to enquire about her younger daughter who had gone missing. It is alleged that when questioned, Shadab did not respond properly, whereupon the Complainant slapped him. At this stage, Petitioner No. 1, Naushad, who is the brother of Shadab, also arrived at the spot, and both the Petitioners, in furtherance of their common intention, assaulted the Complainant and her children with kicks, fists, and sticks.

2.2. It is further alleged that, with the intention of outraging the dignity of the Complainant, the Petitioners struck her on the chest, hurled abuses, and dragged her and her family members onto the road, where they continued to beat them.

2.3. On receipt of a PCR call, the police reached the spot, and subsequently visited JPC Hospital, where the Complainant was found undergoing medical examination. The MLC recorded a history of physical assault by known persons at about 8:00 PM on 20th June, 2022, with the nature of injuries opined as “simple.”

2.4. Thereafter, based on the statement of the Complainant, the PCR call, and the MLC, the present FIR came to be registered against the Petitioners.

3. The parties state that, with the intervention of common friends and their respective family members, Respondent Nos. 2 and 3 have amicably resolved all their disputes and differences with the Petitioners. In this regard, the parties have executed a Settlement Deed dated 20th May, 2025, pursuant to which Respondent Nos. 2 and 3 have agreed not to pursue the present FIR.

4. A copy of the Settlement Deed has been placed on record and duly perused by the Court. As per its terms, Respondent Nos. 2 and 3 have



mutually resolved the dispute with the Petitioners and have undertaken to voluntarily extend their no objection to the quashing of the subject FIR. It is further recorded that the settlement has been entered into by the parties of their own free will and volition, without any threat, pressure, or coercion.

5. In view of the aforesaid settlement, Respondent Nos. 2 and 3, who are present before the Court and duly identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the FIR proceedings. They have confirmed that their decision to settle the matter is voluntary and free from any undue influence. The Petitioners, who are also present in Court and identified by the Investigating Officer, seek quashing of the subject FIR and all proceedings arising therefrom in light of the amicable resolution between the parties.

6. The Court has considered the afore-noted facts and submissions. Notably, while the offences punishable under Sections 323, 341 and 509 of IPC are compoundable, the offence punishable under Section 354 is non-compoundable. 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

⁴ (2012) 10 SCC 303



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 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

⁵ (2014) 6 SCC 466



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 354 of the IPC 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 Nos. 2 and 3, who have appeared before the Court in person, 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 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and FIR No.



646/2022 dated 21st June, 2022, registered under Sections 323, 341, 354, 509 and 34 of IPC at P.S. New Usmanpur, Delhi and all other proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 3,500/- by each of the Petitioners to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned Investigating Officer.

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

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

SANJEEV NARULA, J

SEPTEMBER 4, 2025/ab