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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6569/2025, CRL.M.A. 27680/2025 & CRL.M.A.
27681/2025.

MOHD TUFAIL

.....Petitioner

Through: Mr. Amit Kumar, Mr. Ajay Singh
Malik and Mr. Naveen Sirohi,
Advocates.

versus

STATE THE STATE (GOVT. OF NCT OF DELHI)
& ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
along with IO/WSI Usha Rani, PS
Jaffar Pur Kalan and SI Somika and
PS Binda Pur.
Ms. Jyoti Gandhi, Advocate along
with Respondent No. 2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
16.09.2025

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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. 461/2019, registered under Sections 323/354A/354D/509 of the Indian Penal Code, 1860³ at P.S. Binda Pur and all consequential proceedings emanating therefrom.
2. Briefly, the case of the Prosecution emanates from a complaint lodged by Respondent No. 2, alleging that the Petitioner, who is her neighbour, had

¹ "BNSS"

² "CrPC"

³ "IPC"



been following and harassing her for two years. It is alleged that the Petitioner initially tendered an apology, following which the Complainant was inclined to settle the matter; however, he subsequently resumed following her and verbally abused her. It was further alleged that when the Complainant confronted the Petitioner, he slapped her and threatened to kill her, if she refused to engage in conversation with him. Based on the Complainant's statement, the subject FIR was registered. Upon conclusion of investigation, chargesheet was filed against the Petitioner under Sections 323/354D/506/509 of the IPC.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 10th March, 2025 has been executed between the parties, a copy whereof has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR

4. In view of the settlement, the Complainant, who has appeared before the Court in person and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. The Complainant submits that the Petitioner has since married, and has ceased all contact with her. She further states that she is in the process of seeking a suitable matrimonial alliance



and does not wish for the pendency of the present FIR to hinder her future prospects. Accordingly, she states she has no objection to the quashing of the FIR. In light of the resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offences under Sections 354A and 354D of the IPC are non-compoundable, Sections 323, 506 and 509 of IPC are compoundable in certain cases, with the permission of the Court.

6. 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 exercise in futility.”

[Emphasis added]

7. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ the Supreme Court held as follows:

⁴ “MoU”

⁵ (2012) 10 SCC 303.



“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 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 offences under Sections 354A and 354D of the IPC

⁶ (2014) 6 SCC 466.



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.

9. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, and having regard to the fact that the Complainant is looking for a suitable matrimonial match, 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 FIR, it is appropriate to impose costs on the Petitioners.

11. In view of the foregoing, the present petition is allowed, and FIR No. 461/2019, P.S. Binda Pur, Delhi, as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of cost of INR 10,000/- with the Delhi Police Welfare Fund, within a period of four weeks from today.



12. Further, having regard to the nature of allegations, this Court finds it appropriate to direct the Petitioner to undertake community service as a measure of accountability and reflection. The Petitioner is accordingly directed to perform one month of community service at Lok Nayak Jai Prakash Narayan Hospital for a period of one month, i.e., from 1st November, 2025 to 30th November, 2025. The Petitioner shall report to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital on 1st November, 2025 for instructions and assignment of duties. Upon completion of the said period, a certificate confirming the completion of community service shall be issued by the Medical Superintendent and the same shall be filed with the Registry. In the event of any absenteeism, default, or misconduct on the part of the Petitioner during the course of the community service, the same shall be immediately reported by the Medical Superintendent to the concerned SHO, who shall, in turn, inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the FIR.

13. With the above directions, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 16, 2025/MK