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

+ **CRL.M.C. 6782/2025**

MUKESH GUPTA

.....Petitioner

Through: Mr. S.S. Chaudhary, Advocate.

versus

THE STATE OF NCT OF DELHI ANR ORSRespondents

Through: Mr. Hemant Mehla, APP for State
with SI Vandana Sharma, SI, PS-
Madhu Vihar.
Ms. Garima Gupta, Advocate for R-2,
3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.09.2025

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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. 496/2016 dated 13th September, 2016, registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860³ at P.S. Madhu Vihar and all consequential proceedings emanating therefrom.

2. Briefly stated, the prosecution case against the Petitioner arises from a family dispute over property. The complainant, who resides with her family at West Vinod Nagar, states that following the death of her father-in-law on

¹ "BNSS"

² "CrPC"

³ "IPC"



8th September, 2016, the Petitioner, Mukesh Gupta, executed certain property documents in his own name. This, according to the complainant, prompted her and her husband to initiate proceedings before the Karkardooma Court, which strained relations between the families. On 13th September, 2016, at about 7:00 PM, while the complainant and her husband were standing outside their residence, the Petitioner allegedly arrived with his father-in-law, Raghuveer. A quarrel ensued with the complainant's husband, during which the Petitioner allegedly threatened the complainant and tore her clothes, while Raghuveer is said to have thrown red chili powder into her husband's eyes. It is further alleged that both thereafter assaulted the complainant and her husband, causing the complainant to be pushed on her chest. The commotion is stated to have attracted local residents, following which the police were called. The complainant and her husband were medically examined, and based on her statement, the impugned FIR came to be registered.

3. With the intervention of common friends and relatives, Respondents No. 2 and 3 have now amicably resolved all issues with the Petitioner and have decided not to pursue the present FIR. In furtherance of this understanding, a Memorandum of Understanding⁴/Compromise Deed dated 15th July, 2025 has been executed between the parties, a copy whereof has been placed on record and perused by the Court.

4. As per the terms of MoU, the complainant has resolved all disputes and differences with the Petitioner and has voluntarily agreed to give her no objection to the quashing of the subject FIR. Respondents No. 2 and 3, who are present in person and identified by the Investigating Officer, have



unequivocally stated that they do not wish to pursue the FIR proceedings. They have affirmed that their decision is voluntary and free from coercion or undue influence. The Petitioner, also present in Court and identified by the Investigating Officer, seeks quashing of the FIR and all proceedings arising therefrom.

5. It is noted that although another accused, namely Raghuveer, was named in the FIR, the proceedings against him stand abated on account of his demise. It is further noted that a cross-FIR No. 497/2016 was registered at the instance of the Petitioner. Counsel for the Petitioner submits that the said cross-FIR shall also be compounded, considering that the offences under Sections 323, 341, 506 and 34 IPC are compoundable, and that, in accordance with the settlement, appropriate applications shall be moved before the Trial Court.

6. The Court has considered the afore-noted facts and submissions of the parties. While the offence under Section 323 of IPC is compoundable, the offences under Sections 354 and 354A of IPC are non-compoundable.

7. 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.***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

⁴ “MoU”

⁵ (2012) 10 SCC 303.



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]

8. 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 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.

⁶ (2014) 6 SCC 466



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]

9. Although the offences under Sections 354 and 354B IPC are not strictly *in personam* and carry elements of public concern beyond the complainant's individual grievance, the Court cannot lose sight of the practical realities in securing a conviction on the facts of 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. 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.

11. In view of the foregoing, the present petition is allowed and FIR No. 496/2016 dated 13th September, 2016, registered under Sections 354/354B/323/34 of IPC at P.S. Madhu Vihar 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 Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.

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

SEPTEMBER 22, 2025

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