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

+ **W.P.(CRL) 3107/2025 & CRL.M.A. 28694/2025**

NITISH RAI AND ORS

.....Petitioners

Through: Mr. Saurabh Mishra, Advocate with
Petitioners in person

versus

STATE OF (NCT) DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Lokesh, PS
Govindpuri
ASI Upender, PS Govindpuri
Mr. Sushil Kr. Gupta, Advocate for
R-2 & 3

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.09.2025

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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. 166/2021 dated 01st April, 2021, registered under Sections 452, 323, 509, 506 and 34 of the Indian Penal Code, 1860³ at P.S. Govind Puri and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that Complainant's husband had been employed with certain individuals but left their services on account of non-

¹ "BNSS"

² "CrPC"



payment of wages. On 27th March, 2021, between 3:00 and 4:00 p.m., he allegedly received abusive and threatening calls from them. Later that afternoon, the accused are stated to have arrived at the complainant's residence, where they abused and assaulted the complainant, forcibly took her husband outside, and threatened him with dire consequences if he did not resume working for them. On hearing the commotion, neighbours intervened, whereupon the assailants fled. The incident was subsequently reported to the police, leading to registration of the present FIR.

3. Later with the intervention of neighbours, common friends, and other respectable members of society, the parties have amicably resolved their dispute. In this regard, Respondents Nos. 2 and 3 have executed a Compromise Deed dated 24th April, 2025 with the Petitioners, confirming that they no longer wish to pursue the FIR.

4. A copy of the Compromise Deed has been placed on record and perused by the Court. As per its terms, Respondents Nos. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have agreed to voluntarily give their no-objection to the quashing of the FIR.

5. Respondents Nos. 2 and 3, who are present in person and duly identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the FIR proceedings, particularly since the parties have known each other for some time and reside in the same vicinity. They have further confirmed that the settlement has been reached voluntarily, without any pressure, coercion, or undue influence. The Petitioners, who are also present and duly identified by the Investigating Officer, submit that in light of the amicable resolution, they seek quashing of the FIR and all

³ "IPC"



proceedings arising therefrom.

6. It is further noted that one individual, namely Aniket @ Shanti, though arrayed as an accused in the FIR, had not initially been impleaded as a party to the present petition. In order to give full effect to the settlement and bring a complete quietus to the matter, his name has now been included as Petitioner No. 9 by way of an amended memo of parties, which has been handed over across the board and taken on record. Counsel for the Petitioners, on instructions, submits that Petitioner No. 9 shall also remain bound by the same terms and conditions set out in the Compromise Deed. Respondents Nos. 2 and 3, present in Court, have expressly consented to the quashing of the FIR as against him as well.

7. The Court has considered the afore-noted facts and submissions of the parties. While the offences under Sections 323, 506, and 509 IPC are compoundable in certain cases, the offence under Section 452 IPC 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 Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement

⁴ (2012) 10 SCC 303



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.*,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 commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved

⁵ (2014) 6 SCC 466



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 offence under Section 452 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.

10. Respondents No. 2 and 3, appearing in person, 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.

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 482 of the CrPC (corresponding to Section 528 of BNSS) to secure the ends of justice.

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



166/2021 dated 01st April, 2021, registered under Sections 452, 323, 509, 506 and 34 of IPC at P.S. Govind Puri and all consequential proceedings emanating therefrom are hereby quashed.

13. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 2,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today. The proof of payment of cost be submitted with the concerned IO.

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

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

SANJEEV NARULA, J

SEPTEMBER 23, 2025/ab