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

+ CRL.M.C. 6881/2025, CRL.M.A. 28913-28914/2025

SHRI SACHIN

.....Petitioner

Through: Ms. Kamakshi Singh and Mr. Pankaj
Kumar Mishra, Advocates with
Petitioner in person.

versus

STATE OF DELHI THROUGH SHO & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Gajender Mathur, PS-Tilak
Marg.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.09.2025

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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. 164/2023³ dated 13th April, 2023, registered under Section 308 of the Indian Penal Code, 1860⁴ at P.S. Tilak Nagar and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that on 13th April, 2023, the complainant Munna Khan was assaulted by the Petitioner in Keshavpur Mandi, Delhi. The complainant alleged that he attacked because he refused to lend the Petitioner a sum of INR 2,000, and demanded repayment of an earlier loan of INR 5,000. It is alleged that the Petitioner struck the complainant on the head with a stick, causing injuries for which he was

¹ "BNSS"

² "CrPC"

³ "the impugned FIR"

⁴ "IPC"



admitted to Guru Gobind Singh Hospital. On the basis of his statement and the medical report, the present FIR came to be registered.

3. The parties now with the intervention of common friends, colleagues and other respectable members of society, have amicably resolved their differences. In furtherance thereof, a Memorandum of Settlement dated 7th May, 2025, was executed between the Petitioner and Respondent No. 2.

4. A copy of the Memorandum 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 his no objection to the quashing of the subject FIR.

5. Respondent No. 2, who is present in person and identified by the Investigating Officer, affirms before the Court that he does not wish to pursue the proceedings any further. He confirms that his decision to settle the matter is entirely voluntary and free from any pressure or inducement. The Petitioner, also present in Court and duly identified, prays for quashing of the FIR and all proceedings arising therefrom in view of the amicable resolution.

6. The Court has considered the submissions of the parties. Indeed, the offence under Section 308 of IPC is non-compoundable. However, the record reveals that the incident occurred in the heat of the moment, arising out of a personal quarrel over a trivial monetary issue. There is nothing to suggest premeditation, prior enmity, or any intent to cause death or grievous injury, ingredients essential to sustain an offence under Section 308 IPC. The medical evidence too confirms that the injuries suffered by the complainant were simple in nature.

7. It is well settled that in the exercise of its inherent powers under



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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

9. Although the offence under Section 308 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.

10. The complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement



as voluntary and devoid of any coercion. Given this background, and considering that the injuries sustained by the complainant were simple in nature, 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 BNSS to secure the ends of justice.

11. However, since the State machinery was set in motion pursuant to the registration of the impugned FIR, this Court considers it appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 2,000/- with the Delhi Police Welfare Fund within a period of six weeks from today. The proof of deposit be furnished to the concerned IO.

12. In view of the foregoing, subject to above, the present petition is allowed and FIR No. 164/2023 registered at P.S. Tilak Nagar, as well as all consequential proceedings arising therefrom are hereby quashed subject to payment of costs.

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 24, 2025

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