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

+ CRL.M.C. 7210/2025, CRL.M.A. 30276/2025

SHRI UMESH GARG & ORS.

.....Petitioners

Through: Mr. Puneet Bajaj and Mr. Amit Bajaj,
Advocates.

versus

STATE (N.C.T. DELHI) & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Sagar Yadav, PS-Vivek
Vihar.
Mr. Parveen Kumar Maheshwari and
Mr. Sanjay Kumar Pawar, Advocates
for R-2 with R-2 in person.

+ CRL.M.C. 7178/2025, CRL.M.A. 30164/2025

AMIT VINAYAK & ORS.

.....Petitioner

Through: Mr. Parveen Kumar Maheshwari and
Mr. Sanjay Kumar Pawar, Advocates
along with Petitioners.

versus

THE STATE OF GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Priyank Kumar, PS-Anand
Vihar.
Mr. Puneet Bajaj and Mr. Amit Bajaj,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA



ORDER

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10.10.2025

1. The present petitions under Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seek quashing of the following cross-FIRs:

(i) CRL.M.C. 7210/2025: FIR No. 196/2023 dated 16th May, 2023, registered under Sections 354/354B/509/506/34 of the Indian Penal Code, 1860³ at P.S. Vivek Vihar, on the complaint of XXX against Umesh, Madhu and YYY; and

(ii) CRL.M.C. 7178/2025: FIR No. 183/2023 dated 12th May, 2023, registered under Sections 323/354/34 of the IPC at P.S. Vivek Vihar, at the instance of YYY, against Amit Vinayak, Arvind Mahipal @ Bony Gupta and XXX.

2. The parties are neighbours residing on different floors of the same residential building. The present FIRs were registered in connection with an incident that allegedly took place on 17th April, 2023:

2.1. FIR No. 196/2023 was registered on the basis of a complaint lodged by XXX, alleging that the accused persons, namely Umesh, Madhu, and YYY, who reside on the Second floor of the same building, had failed to contribute towards maintenance expenses and refused to undertake necessary repairs in the building, allegedly resulting in seepage and cracks in the common area. Despite repeated requests, including one made on 17th April, 2023, the accused did not comply. It is alleged that, on the said date, the aforementioned accused, along with 5-6 unidentified persons, came to

¹ “CrPC”

² “BNSS”

³ “IPC”



the complainant's residence, verbally abused her, and issued threats to kill her. They allegedly snatched her chain, grabbed her by the hands and vest, placed a sharp object behind her, and caused her to fall to the ground. It is also alleged that, upon being incited by the co-accused, accused Umesh pulled the complainant's t-shirt and pushed her on the chest. Accused YYY is alleged to have recorded a video of the incident and threatened to make it viral in case the complainant reported the matter to the police. Based on the said complaint, FIR No. 196/2023 was registered. Upon conclusion of investigation, chargesheet was filed against the accused under Sections 354/354B/509/506/34 IPC.

2.2. On the other hand, FIR No. 183/2023 was registered on the basis of a complaint lodged by YYY. She stated that accused Amit Vinayak resides along with his family on the Ground, First, and Third floors of the building, while the complainant and her family reside on the Second floor. It was alleged that Amit had been exerting pressure on the complainant's family to sell their floor to him and, in furtherance thereof, had been creating obstructions for her family. He allegedly locked their access to the washroom, locked their water motor, and prevented them from carrying out maintenance work on their floor. It is further alleged that on 17th April, 2023, Amit, along with co-accused Boney and XXX, came to the complainant's residence and physically assaulted her and her family members. While co-accused Boney allegedly grabbed the Complainant from behind, Amit is stated to have slapped her, touched her inappropriately, and pressed her throat with both hands. Pursuant to the said complaint, FIR No. 183/2023 was registered. Upon conclusion of investigation, chargesheet was filed under Sections 323, 354, 452 and 34 of the IPC.



3. The parties, present in person and duly identified by the Investigating Officer, submit that they have amicably resolved their disputes with the intervention of their relatives and other respectable members of society. In furtherance of this settlement, a composite Memorandum of Understanding dated 9th April, 2024 has been executed between them, a copy whereof is placed on record and has been perused by the Court. As per the terms of the settlement, all the parties have agreed to amicably settle their disputes and differences.

4. In view of this settlement, the Complainants present in Court, have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary, and free from any pressure, undue influence or coercion and would bring peace and harmony amongst the parties who are neighbours.

5. The Court has considered the submissions of the parties. While the offences under Sections 354, 354B and 452 of the IPC are non-compoundable, Sections 323, 506 and 509 of the 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.**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

⁴ (2012) 10 SCC 303



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.*,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

⁵ (2014) 6 SCC 466



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 354, 354B and 452 of the IPC 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 complainants in each FIR 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 482 of the Cr.P.C. to secure the ends of justice.



10. However, since the State machinery was set in motion pursuant to the registration of the cross FIRs, it would be appropriate to impose costs on the parties. Accordingly, each of the Petitioners and Respondents shall deposit a sum of INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of such deposit shall be furnished to the concerned Investigating Officer.

11. In view of the foregoing, the present petitions are allowed, and FIR No. 196/2023 and FIR No. 183/2023 both registered at P.S. Vivek Vihar as well as all proceedings emanating therefrom are quashed.

12. The parties shall abide by the terms of settlement.

13. The petitions are disposed of, along with pending applications.

SANJEEV NARULA, J

OCTOBER 10, 2025

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