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

+ **CRL.M.C. 7616/2025 & CRL.M.A. 31873/2025**

SUNIL KUMAR & ORS.

.....Petitioners

Through: Mr. Aditya Singh, Advocate with
Petitioners in person.

versus

STATE (NCT OF DELHI) AND ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
Mr. Faiyaz Hasan, Mr. Nadeem
Kumar, Mr. Neerav Anand,
Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.12.2025

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1. This 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. 211/2017, registered at P.S. Mehrauli for the offences under Sections 356, 354, 342, 506, 509 and 34 of the Indian Penal Code, 1860,³ and all consequential proceedings emanating therefrom.

2. The prosecution case emanates from a complaint filed by Respondent No. 2, alleging that on 2nd April, 2017, Petitioner Nos. 1 and 3 (both uncles of Respondent No. 2) locked her mother, a heart patient causing her health to deteriorate. It is alleged that Petitioner No. 1 threatened to kill the

¹ "BNSS"

² "CrPC"



complainant, her brother, and her sister, following which a written complaint was lodged at P.S. Mehrauli. Thereafter, on 4th April, 2017 Petitioner Nos. 1 and 3, along with their respective wives, Petitioner Nos. 2 and 4, again locked the complainant's mother. It is alleged that when the complainant attempted to break the lock, Petitioner No. 3 inappropriately touched her and Petitioner No. 1 broke the chain around her neck. Based on the complainant's statement, the FIR came to be registered. On conclusion of investigation, chargesheet was filed for the aforementioned offences.

3. The parties, with the intervention of common friends, colleagues and other respectable members of society, have amicably resolved their disputes and differences. Respondent No. 2 has decided not to pursue the present FIR against the Petitioners. The parties have executed a Settlement Agreement dated 3rd May, 2025 before the Mediation Centre, Saket Courts, New Delhi, 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 Petitioners and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

4. The complainant, who appears 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. She states that the Petitioners are her relatives and have tendered an unconditional apology, which she has accepted in order to restore peace and harmony within the family. Accordingly, she has no objection to the quashing of the FIR. In light of the amicable resolution between the parties, the Petitioner seeks

³ "IPC"



quashing of the subject FIR and all proceedings arising therefrom.

5. Counsel for parties state that there are other FIRs between the parties, namely FIR Nos. 210/2017, 319/2017 and 324/2017, registered at P.S. Mehrauli, for which parties have already filed joint quashing petitions which are likely to be listed in due course. Nonetheless, insofar as the present FIR No. 211/2017 is concerned, since the complainant has unequivocally expressed her desire to have the same quashed, the Court considers it appropriate to proceed with the matter.

6. While the offences under Sections 356 and 354 of IPC are non-compoundable, Sections 342, 506 and 509 of IPC are compoundable in certain cases, with the permission of the Court. 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 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]

⁴ (2012) 10 SCC 303



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 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

⁵ (2014) 6 SCC 466



him by not quashing the criminal cases.”

[Emphasis Supplied]

8. Although the offences under Section 354 and 356 of the IPC cannot be treated as strictly ‘*in personam*’, and 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, 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 (corresponding to Section 482 CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and FIR No. 211/2017, P.S. Mehrauli and all consequential proceedings emanating therefrom are hereby quashed.

11. 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 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of deposit be submitted to the concerned Investigating Officer.

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

13. Accordingly, the petition is disposed of along with pending application.

SANJEEV NARULA, J

DECEMBER 22, 2025/ab