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

+ CRL.M.C. 7656/2025, CRL.M.A. 32050/2025

RAKESH KUMAR & ANR.

.....Petitioners

Through: Mr. Tarun Gaur, Mr. Parth Bhardwaj,
Mr. Hitesh Mehta, Ms. Ranu Vasisth,
Ms. Bharti Fashyal and Mr. Abhishek
Sharma, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State with SI Vishvendra, PS-
Mandawali.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **31.10.2025**

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. 106/2014, registered under Sections 323/365/506/34 of the Indian Penal Code, 1860³ at P.S. Mandawali, Fazad Pur, Delhi and all consequential proceedings emanating therefrom.

2. Briefly, the case of the prosecution is that on the afternoon of 30th July, 2013, Respondent No.2 (the Complainant) was lured to Ganesh Nagar, Dhobi Ghat through a phone call, where the Petitioners and their associates

¹ "BNSS"

² "CrPC"

³ "IPC"



forcibly took him in a car to Mayur Jungle near Akshardham. There, he was wrongfully confined, assaulted, coerced to withdraw his earlier police complaint, and forced to sign documents under threat to his family. It is further alleged that the Petitioners also made an obscene video of the Complainant before releasing him later that evening.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioners and has decided not to pursue the present FIR against them. To this effect, a copy of the no objection certificate of Respondent No. 2 has also been filed in support of the quashing petition.

4. In view of the settlement, Respondent No. 2, who appears before the Court in person and is identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He confirms that his decision to settle the matter is voluntary, without any undue influence or coercion. He further submits that the subject FIR was filed on account of a misunderstanding. The Petitioners have since expressed remorse and tendered an apology, which has been accepted by him. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 365 is non-compoundable, Sections 323 and 506 of IPC are compoundable by the person who is so hurt or intimidated.

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 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]

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.

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

8. Although the offence under Section 365 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.

9. 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, 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. In view of the foregoing, the present petition is allowed, and FIR No. 106/2014, P.S. Mandawali, Fazad Pur, Delhi, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

OCTOBER 31, 2025

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