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

+ **CRL.M.C. 7751/2025**

AJAY KUMAR & ANR.

.....Petitioners

Through: Mr. Mohd. Khalid, Advocate with
Petitioners in person

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.11.2025

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. 376/2024, registered under Sections 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Mayur Vihar Ph-1, Delhi and all consequential proceedings emanating therefrom.

2. The case of the Prosecution emanates from a complaint filed by Respondent No. 2, alleging that on 27th October, 2024, when he reached near Mata Shani Mandir, he was confronted by the Petitioners, with Petitioner No. 2 armed with a knife. Petitioner No. 2 stated that since the

¹ "BNSS"

² "CrPC"

³ "BNS"



Complainant had assaulted him while in jail, he would now settle the score. Petitioner No. 1 restrained the Complainant from behind, while Petitioner No. 2 allegedly inflicted knife blows on his stomach and head. On the Complainant raising alarm, both Petitioners fled. Based on this statement, the subject FIR was registered. Upon conclusion of investigation, chargesheet was filed under Sections 3(5) and 109(1) of the BNS. The offence under Section 238(b) was also added by way of a supplementary chargesheet.

3. The parties, with the intervention of common friends, colleagues and other respectable members of society, have amicably resolved their disputes. Respondent No. 2 has decided not to pursue the present FIR against the Petitioners. In furtherance of this settlement, a Settlement Deed dated 20th September, 2025, has been executed between the parties, copy whereof is placed on record, and has been perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioners and has voluntarily given his 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 he does not wish to pursue the FIR proceedings. He explains that the incident in question took place in the heat of the moment between parties, who reside in the same neighbourhood. He clarifies that the Petitioners had no intention to cause him fatal injury and that the FIR was lodged in a state of anger and emotional distress. The Complainant further affirms that the settlement now reached between the parties is voluntary and has not been induced by any pressure, coercion or undue influence. He expresses that, in the interest of



preserving cordial relations and restoring mutual harmony within the locality, he has no objection to the quashing of the FIR and all proceedings emanating therefrom.

5. On the other hand, Mr. Hitesh Vali, APP for the State, opposes the request on the ground that the injuries were inflicted on vital parts of the Complainant's person, namely, the parietal and abdominal regions, inviting charges under Sections 118(2) and 109(1) of the BNS. Therefore, the request for quashing should be declined.

6. The Court has considered the submissions of the parties. While the offences under Sections 118(2), 109(1) and 238(b) of the BNS are non-compoundable, 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 Sections 118(2) and 109(1) of the BNS 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 his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. It is also not in dispute that although the injuries are alleged to have been caused by a knife, they have been opined as simple in nature, and no weapon has been recovered during investigation. The Complainant has specifically clarified that the incident occurred in the heat of the moment, the Petitioners had no intention to cause him any fatal injury, and the registration of FIR was on account of misunderstanding. 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. 376/2024, P.S. Mayur Vihar Ph-1, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

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

12. Disposed of.

SANJEEV NARULA, J

NOVEMBER 4, 2025/ab