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

+ **CRL.M.C. 7845/2025 & CRL.M.A. 32865/2025**

BUNTY @ KAMAL

.....Petitioner

Through: Mr. Dalip K. Santoshi and Mr.
Rakesh Kumar, Advocates.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for State along
with SI Gaurav, PS Kaliyanpuri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.11.2025

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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. 437/2013 dated 17th July, 2013, registered under Sections 323, 341, 354A, 451 and 34 of the Indian Penal Code, 1860³ at P.S. Kalyanpuri, Delhi and all consequential proceedings emanating therefrom. During trial, charges were framed against the accused under Sections 323, 341, 354, 354B, 451, 452 and 34 of IPC.

2. The case of the prosecution against the Petitioners is that on 16th July, 2013, at about 8:45 P.M., while the Complainant/Respondent No. 2 was alone cooking at home, the accused, namely Radhey Shyam, Bundy (the

¹ "BNSS"

² "CrPC"



Petitioner) and Mamta, forcibly entered her house. It is alleged that Radhey Shyam demanded money from her, stating that they would pay all dues later. Soon thereafter, the accused pulled her into another room, where Radhey Shyam opened his belt, Bunty assaulted her with fists and blows, and Mamta pressed her mouth. It is further alleged that Radhey Shyam and Bunty tore the Complainant's clothes. The Complainant's daughter, who was taking bath at that time, came out upon hearing the commotion, whereafter the accused persons fled from the spot and her daughter thereafter called the police. Based on the Complainant's statement, the subject FIR was registered on 17th July, 2013 at P.S. Kalyanpuri, Delhi.

3. There are two more persons who were named in the FIR, namely, Radhey Shyam and Mamta, however they have since deceased and hence, the proceedings *qua* them stand abated.

4. The parties have amicably resolved their disputes, and the Complainant/Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. In this regard, the Petitioner and Respondent No.2 have executed a settlement dated 03rd March, 2023, before the Delhi Mediation Centre, Karkardooma Courts, Delhi.

5. A copy of the settlement 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 her no objection to the quashing of the subject FIR.

6. The Complainant/Respondent No. 2, who appears in person and is duly identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She confirms that her decision

³ "IPC"



to settle the matter is voluntary and made without any undue influence or coercion. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Sections 354, 354B and 452 IPC are non-compoundable, the offences under Sections 323, 341 and 451 IPC are compoundable in certain cases.

8. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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]

9. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 him by not quashing the criminal cases.”

[Emphasis Supplied]

10. Although the offence under Sections 354, 354B and 452 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.

11. The Complainant/Respondent No. 2 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.

12. 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.

13. In view of the foregoing, the present petition is allowed and FIR No. 437/2013 dated 17th July, 2013, registered at P.S. Kalyanpuri, Delhi, as well as all consequential proceedings arising therefrom are hereby quashed.

14. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.



15. The parties shall remain bound by the terms of settlement.
16. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 7, 2025/MK