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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 7871/2025 & CRL.M.A. 32964/2025**

**AAKASH @ SAGAR & ORS.**

.....Petitioners

Through: Mr. Vivek Tanwar and Ms. Mona Kewat, Advocates with Petitioners (in-Persons).

versus

**STATE OF NCT OF DELHI AND ORS**

.....Respondents

Through: Mr. Hemant Mehla, APP for State.  
SI Jay Prakash, P.S. Rajouri Garden.  
Mr. Akshay Dhawan, Advocate for R-2 & 3 with R-2 & 3 (in-Persons).

+ **CRL.M.C. 7892/2025 & CRL.M.A. 33059/2025**

**MAYANK SAHAI & ORS.**

.....Petitioners

Through: Mr. Akshay Dhawan, Advocate with Petitioners (in-Persons).

versus

**STATE OF NCT OF DELHI & ORS.**

.....Respondents

Through: Mr. Hemant Mehla, APP.  
SI Jay Prakash, P.S. Rajouri Garden.  
Respondent No. 2 (in-Person).

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**10.11.2025**

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1. The present petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 482 of the Code of

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<sup>1</sup> "BNSS"



Criminal Procedure, 1973<sup>2</sup>) seek quashing of FIR No. 416/2023 [subject matter of CRL.M.C. 7871/2025] and FIR No. 414/2023 [subject matter of CRL.M.C. 7892/2025]. Both FIRs are dated 13<sup>th</sup> June, 2023, and were registered at P.S. Rajouri Garden, Delhi. The former was registered under Sections 323, 341, 506, 509 and 34 of the Indian Penal Code, 1860<sup>3</sup>, and the latter under Sections 354, 323 and 34 IPC. The petitions are founded on a settlement arrived at between the petitioners and the respective Complainants.

2. FIR No. 416/2023 was registered on the complaint of Ms. 'S', alleging that on 13<sup>th</sup> June 2023, at about 8:40 PM, while she and salon manager were at her brother's salon 'Elegantia' in Shivaji Enclave, New Delhi, Aakash @ Sagar, an employee of 'Iron Fit Gym' located in the same building, along with certain female clients and others, forcibly trespassed into the salon, created a ruckus, and abused and misbehaved with her brother and staff. When her brother tried to pacify them, a female gym client allegedly assaulted him, grabbed his collar, and snatched his phone. The complainant stated that when she began recording the incident, she and the salon manager were also assaulted, sustaining minor injuries. It is further alleged that the gym owner Sumit, Sagar, and the said female client threatened to kill them and warned that they would not allow the salon to function or any clients to enter. Upon completion of investigation, a chargesheet was filed *qua* the accused under Sections 323, 341, 354, 506, 509 and 34 IPC.

3. FIR No. 414/2023 was registered on the complaint of Ms. 'D' who

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<sup>2</sup> "CrPC"

<sup>3</sup> "IPC"



alleged that on 13<sup>th</sup> June, 2023, after parking her scooty outside ‘Iron Fit Gym’, she requested the guard of the adjacent salon to move a car blocking her way. When no one responded for about 10–15 minutes, she and Sagar entered the salon to make the request. The owner, Mayank, allegedly misbehaved with her and started recording her video without consent. When she objected, he allegedly touched her inappropriately by grabbing her T-shirt near the neck and touching her chest. The complainant stated that she then called the gym owner, Sumit, but when he arrived, Mayank did not come out, and instead two female salon staff members began arguing with her, one of whom allegedly pushed her from the stairs. Upon completion of investigation, a chargesheet was filed *qua* the accused under Sections 323, 354, 509 and 34 IPC.

4. The parties, with the intervention of common friends, family members and other respected members of the locality, have amicably resolved their disputes. A Memorandum of Understanding dated 26<sup>th</sup> March, 2025, has been executed between them, a copy of which has been placed on record. Under the settlement, the complainants have mutually undertaken to withdraw all allegations levelled against each other and to jointly seek quashing of the proceedings arising from the two FIRs.

5. The complainants in both the FIRs are present in person and are duly identified by the Investigating Officer. They have expressed their unequivocal consent to the settlement and their intent not to pursue the FIRs any further. Each of the complainants has filed an Affidavit/No-Objection Certificate affirming that the compromise was entered into voluntarily, without any coercion, pressure, or undue influence.

6. The Court has considered the submissions advanced by the parties. It



is true that while the offences under Sections 323, 341, 506 and 509 IPC are compoundable in certain cases, the offence under Section 354 is non-compoundable in nature. However, it is well settled that in exercise of its inherent powers under Section 528 BNSS (corresponding to 482 CrPC), 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.***<sup>4</sup> has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

*“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.”*

7. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,<sup>5</sup> 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:**

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<sup>4</sup> (2012) 10 SCC 303

<sup>5</sup> (2014) 6 SCC 466



*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.***

[Emphasis Supplied]

8. Although the offence under Sections 354 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 Complainants in both FIRs have categorically expressed their unequivocal intent not to pursue the matter any 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.

10. 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.

11. In view of the foregoing, the present petitions are allowed, and FIR No. 416/2023 and FIR No. 414/2023, both registered at P.S. Rajouri Garden, Delhi, as well as all proceedings emanating therefrom are hereby quashed.

12. However, since the State machinery was set in motion based on the subject FIRs, it is appropriate to impose costs on the parties. Accordingly, all the parties are directed to deposit a cost of INR 5,000/- each with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of payment be submitted with the concerned IO.

13. It is expected that the parties shall abide by the terms of settlement.

14. Accordingly, the petitions are disposed of. Pending applications, if any, are disposed of as infructuous.

**SANJEEV NARULA, J**

**NOVEMBER 10, 2025**

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