



\$~59 & 77

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

+ CRL.M.C. 7910/2025

SHOMA RANI AND ORS

.....Petitioners

Through: Mr. Durgesh S. Gupta, Advocate with
Petitioners in person

versus

THE STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Hitesh Vali, APP for State with
ASI Rohitash, PS Burari.
R-2 in person

+ W.P.(CRL) 3677/2025 & CRL.M.A. 33101/2025

RAJU AND ORS

.....Petitioner

Through: Mr. Kamal Pundir, Advocate with
Petitioners in person

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with ASI Sanjeev, PS
Burari.
R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.11.2025

%

1. The present petitions under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of

¹ "BNSS"



Criminal Procedure, 1973²) seek quashing of FIR No. 393/2022 dated 25th April, 2022 [subject matter of CRL.M.C. 7910/2025] and FIR No. 389/2022 dated 24th April, 2022 [subject matter of W.P.(CRL) 3677/2025], both registered at P.S. Burari, Delhi. The former is registered under Sections 323, 336, 354, 354A, 506, 509 and 34 of the Indian Penal Code, 1860³, and the latter under Sections 323, 341, 354(B), 509 and 34 IPC. The petitions are premised on an amicable settlement arrived at between the petitioners and the respective complainants, namely Ms. ‘X’ and Ms. ‘Y’.

2. At the outset, counsel for the petitioners in W.P.(CRL) 3677/2025 submits that there is a typographical error in the prayer clause of the said petition and clarifies that it pertains to the quashing of FIR No. 389/2022. The statement is taken on record, and the necessary correction is deemed to have been made.

3. FIR No. 393/2022 was registered on the complaint of Ms. ‘X’, alleging that on 23rd April, 2022, at about 6:00 P.M., while she was cleaning her terrace, Ms. ‘Y’, who resides on the second floor of the same building along with her mother, Shoma Rani, and her brother, Pawan Kumar, picked a quarrel with her. Thereafter, Ms. ‘Y’ and Shoma Rani began throwing flower pots from the second floor at the complainant’s brother, Shanki @ Samneet Singh, and abused the complainant, threatening that she would not be spared. It is further alleged that Pawan Kumar then came onto the terrace, scuffled with the complainant, touched her inappropriately and beat her.

4. FIR No. 389/2022 was registered on the complaint of Ms. ‘Y’, alleging that on 23rd April, 2022, at about 5:30 P.M., while she was at her

² “CrPC”

³ “IPC”



house, she noticed dirt on the stairs and cleaned it by pouring water. At that time, Ms. 'X', who resides on the first floor of the same building, allegedly started quarrelling and abusing her. Hearing the commotion, Raju and his son, Shanki @ Samneet Singh, also came there and allegedly abused and assaulted the complainant. It is further alleged that, taking advantage of the scuffle, Raju and Shanki caught hold of her from behind with wrongful intent, touched her inappropriately, and tore her garment.

5. Both Complainants, Ms. 'X' and Ms. 'Y', who are residents of the same building, appear in person and are duly identified by the Investigating Officer. They have unequivocally stated that they have resolved their disputes amicably and wish to maintain peace and cordial relations going forward. Both complainants have affirmed that the matter has been settled voluntarily and without any coercion or undue influence.

6. The Court has considered the submissions advanced by the parties. It is true that while offences under Sections 323, 341, 506 and 509 IPC are compoundable in certain cases, the offences under Sections 336, 354, 354A and 354B IPC are 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.*⁴ 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.*,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.”

[Emphasis Supplied]

8. Although the offences under Sections 336, 354, 354A and 354B IPC cannot be treated as strictly ‘in personam’, as they touch upon public

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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. 393/2022 and FIR No. 389/2022, both registered at P.S. Burari, 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 Petitioners 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. The parties are expected to abide by their undertaking and maintain cordial relations henceforth.

14. Accordingly, the petitions are disposed of along with the pending applications.

SANJEEV NARULA, J

NOVEMBER 11, 2025/ab