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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7950/2025 & CRL.M.A. 33241/2025**
ABHISHEK KUMARPetitioner

Through: Mr. Vinay Jaidka and Mr. Gagan Vaswani, Advocates with Petitioner (in-Person).

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State.
ASI Raj Kumar, P.S. Dabri.
Mr. Piyush Ruhil, Advocate for R-2 with R-2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.11.2025**

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. 157/2025 dated 03rd March, 2025, registered under Section 118(1) the Bharatiya Nyaya Sanhita, 2023³ (corresponding to Section 324 of the Indian Penal Code, 1860⁴) at P.S. Dabri, Delhi and all consequential proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution is that the Complainant/Respondent No. 2, Shalu, wife of Abhishek Kumar, had been residing with her husband and children at a rented house in Mahavir Enclave Part-I, Dabri, for about 2-3 years. It is alleged that her husband (the

¹ "BNSS"

² "CrPC"

³ "BNS"

⁴ "IPC"



Petitioner) frequently quarrelled with her over money, and on 18th February, 2025, during a small celebration for their 15-day-old daughter, a dispute arose, leading her to go to her mother's house. Thereafter, the accused allegedly threatened and abused her over the phone. On 02nd March, 2025, around 2:30-3:00 PM, when she went to the matrimonial house to collect clothes for her children, the accused, who was alone, became enraged and attacked her multiple times with a spade and knife, causing her injuries. Based on her statement, the present FIR was registered. Upon completion of investigation, a chargesheet was filed under Section 118(2) BNS (corresponding to Section 326 IPC). Consequently, the Trial Court framed charge under Section 109 BNS (corresponding to Section 307 IPC) against the accused.

3. The parties, who are husband (the Petitioner) and wife (the Complainant/Respondent No. 2) and have three children from their marriage, have amicably resolved their dispute and the Complainant has decided not to pursue the present FIR against the Petitioner. In furtherance of this settlement, a Settlement Deed dated 29th 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 Petitioner and has voluntarily given her no objection to the quashing of the subject FIR.

4. The Complainant/Respondent No. 2, who appears before the Court in person and is duly identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR or the proceedings arising therefrom. She explains that the incident was a result of a sudden altercation that occurred in the heat of the moment. While she did sustain certain



injuries, she affirms that the Petitioner had no intention to cause her death or any grievous harm. The Complainant further confirms that her decision to settle the matter has been taken voluntarily, without any undue influence, threat, or coercion. She also apprises the Court that the parties have resumed cohabitation and are presently living together peacefully along with their children. In view of this, she expresses that she has no objection to the quashing of the FIR and all consequential proceedings.

5. The Court has considered the submissions of the parties. Notably, the offence under Section 109 BNS (corresponding to Section 307 IPC) is non-compoundable in nature. However, 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.***⁵ 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]

6. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁶ the

⁵ (2012) 10 SCC 303

⁶ (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]

7. Although the offence under Section 109 BNS 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.

8. The Complainant has categorically expressed her unwillingness to pursue the matter and has confirmed that the settlement has been entered into voluntarily, without any element of coercion. It is also not in dispute that though the injuries were allegedly caused by a spade and a knife, the Complainant has clarified that the incident occurred in the spur of the moment and that the Petitioner had no intention to cause fatal harm. While this Court ordinarily refrains from quashing cases involving stabbing or offences under Section 307 IPC (corresponding to Section 109 BNS), in the present case, considering the matrimonial relationship between the parties, their continued cohabitation, and the unequivocal statement of Respondent No. 2 that the Petitioner acted without intent to kill, the probability of securing a conviction appears extremely remote. In such circumstances, continuation of the proceedings would serve no useful purpose and would only result in an unnecessary burden on judicial time and public resources.

9. 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.



10. In view of the foregoing, the present petition is allowed and FIR No. 157/2025 dated 03rd March, 2025, registered at P.S. Dabri, 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

NOVEMBER 11, 2025/as