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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8170/2025 & CRL.M.A. 34138/2025**

AZEEM CHOUDHARY ALIAS MUJEEBSSAN AND ANOTHER

.....Petitioners

Through: Mr. Javed Ahmad, Advocate with
Petitioners (in-Person).

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Mohd. Ayyoob, P.S., Jafrabad.
Respondent No. 2 (in-Person).

+ **CRL.M.C. 8185/2025**

SAMSUDDIN @ ACHE AND ORS.

.....Petitioners

Through: Mr. Sandeep Lohra, Advocate with
Petitioners (in-Person).

Vers us

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Mohd. Ayyoob, P.S., Jafrabad.
Mr. Javed Ahmad, Advocate for R- 2
to 7 with R-2 to 7 (in-Persons).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.12.2025

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1. These petitions under Section 528 of the Bharatiya Nagarik Suraksha
Sanhita, 2023¹ (corresponding to Section 482 of Criminal Procedure Code,

¹ "BNSS"



1973²) seek quashing of the following FIRs: FIR No. 313/2011 [subject matter of CRL.M.C. 8170/2025] and FIR No. 306/2011 [subject matter of CRL.M.C. 8185/2025]. Both FIRs were registered at P.S. Jafrabad, the former under Sections 341/324/323/34 of the Indian Penal Code, 1860³, and the latter under Sections 452/323/506/34 IPC. The petitions are founded on a settlement arrived at between the petitioners and the respective complainants in the two FIRs, namely Mohd. Salman and Azeem Choudhary @ Mujeebssan.

2. FIR No. 313/2011 was registered on the complaint of Mohd. Salman, alleging that on 12th October 2011, while he and Farhat were talking to each other, Azeem, armed with an iron rod, and Farhat, armed with a knife, approached them and verbally abused him and his cousin Farid. When they resisted, Farhat allegedly attacked Salman with a knife, and Azeem assaulted Farid with an iron rod. The complainant later learnt that family members of Azeem had also had an altercation with his own family members. On these allegations, FIR No. 313/2011 came to be registered and, upon completion of investigation, chargesheet was filed under Sections 341/324/323/341 IPC.

3. FIR No. 306/2011 was registered on the complaint of Azeem, alleging that on the same day, 12th October, 2011, the accused, namely, Ziauddin, Achhe, Nizam, Mainuddin and Jameel, entered his house armed with rods, sticks and knives and physically assaulted him and his family members. It is specifically alleged that Ziauddin assaulted the complainant with rods, Nizam assaulted Rafat, Mainuddin and Achhe assaulted Bablu with sticks,

² “CrPC”

³ “IPC”



and Jameel beat Gulista and Salima with kicks and punches. The accused threatened to kill them and thereafter fled the spot. On this basis, FIR No. 306/2011 was registered, and after investigation, chargesheet was filed under Sections 452/323/325/506/34 IPC.

4. The parties, with the intervention of relatives, and other respected members of the locality, engaged in negotiations and succeeded in amicably resolving their disputes. A Settlement Deed dated 21st March, 2024, has been executed between them, a copy of which has been placed on record.

5. Both complainants are present before the Court in person and have been 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. They have filed Affidavit/No-Objection Certificate affirming that the compromise was entered into voluntarily, without any coercion, pressure, or undue influence. It has further been confirmed that the injuries suffered by the victims during the alleged altercation were simple in nature.

6. The Court has considered the submissions advanced by the parties. It is true that while offences under Sections 341, 323, 506 and 325 IPC are compoundable in certain cases, the offences under Sections 324 and 452 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]

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



8. Although the offences under Sections 324 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.

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. 313/2011 and FIR No. 306/2011, both registered at P.S. Jafrabad, 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. 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

DECEMBER 4, 2025/as