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

+ CRL.M.C. 8312/2025 & CRL.M.A. 34771/2025

MUKESH KUMAR & ORS.

.....Petitioners

Through: Mr. Junaid Nisar, Advocate

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with ASI Manoj Kumar, PS
Jyoti Nagar, SI Amit Beniwal, PS
M.S. Park.
Mr. Nakul Sharma, Advocate for R-2.

+ CRL.M.C. 8325/2025 & CRL.M.A. 34742/2025

JAI PRAKASH SHARMA & ORS.

.....Petitioners

Through: Mr. Nakul Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with ASI Manoj Kumar, PS
Jyoti Nagar, SI Amit Beniwal, PS
M.S. Park.
Mr. Junaid Nisar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2025

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1. The present petitions under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of Criminal Procedure Code, 1973²) seek quashing of FIR No. 353/2018 [subject matter of CRL.M.C. 8312/2025] and FIR No. 352/2018 [subject matter of CRL.M.C. 8325/2025], both registered at P.S. Mansarovar Park. The former is registered under Sections 324/341/506/34 of the Indian Penal Code, 1860³ and the later under Sections 323/341/427/506/34 of IPC. The petitions are premised on an amicable settlement arrived at between the Petitioners and the respective Complainants in the two impugned FIRs.

2. FIR No. 353/2018 was registered on the complaint of Ashwani Sharma, alleging that on 30th October, 2018 and the following day, a quarrel occurred between the complainant's family and their neighbours, Rakesh Sharma, his sons Mohit and Rohit, and other family members, over bursting of crackers. Ashwani alleged that the opposite party abused and assaulted him and his brothers, resulting in injuries to his brother Jai Prakash, who was taken to GTB Hospital.

3. Conversely, FIR No. 352/2018 was registered on the complaint of Rohit Sharma, who alleged that on 31st October, 2018, around 9:00 PM, when his brother Mohit returned home on his motorcycle, an argument ensued with their neighbour, Ashwani Sharma, over the sounding of the horn. It was alleged that Ashwani and his brother Ankit assaulted Mohit, and that several other boys from their side joined in, resulting in Rohit, Mohit, and their mother Nirmala getting beaten. Rohit further alleged that their

¹ "BNSS"

² "CrPC"



father, Rakesh Sharma, was also assaulted when he arrived, and that during the continued altercation, members of the opposing party vandalised two vehicles parked outside their house.

4. At this stage, it is noted that Rakesh Sharma, who was arrayed as one of the accused in FIR No. 353/2018, has since passed away, and accordingly, the proceedings against him stand abated.

5. The parties, with the intervention of common friends, relatives, and respected members of the locality, have amicably resolved their disputes. A Settlement Deed dated 17th July, 2025 has been executed and placed on record, under which both complainants, Ashwani Kumar and Rohit Sharma, have agreed to withdraw all allegations and jointly seek quashing of the proceedings arising out of both FIRs.

6. The parties are present in Court and have been duly identified by the Investigating Officer. They affirm their voluntary consent to the settlement and state that they do not wish to pursue the FIRs any further.

7. The Court has considered the submissions advanced by the parties. It is true that while offences under Sections 323/341/427/506 IPC are compoundable in certain cases, the offence under Section 324 IPC 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.*⁴ has clarified that even non-

³ “IPC”

⁴ (2012) 10 SCC 303



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.”

8. 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]

⁵ (2014) 6 SCC 466



9. Although the offences under Sections 324 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.

10. 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.

11. 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.

12. In view of the foregoing, the present petitions are allowed, and FIR No. 353/2018 and FIR No. 352/2018, both registered at P.S. Mansarovar Park, as well as all proceedings emanating therefrom are hereby quashed.

13. 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 Petitioners are directed to deposit a cost of INR 3,000/- each with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof



of payment be submitted with the concerned IO.

14. The parties shall abide by the terms of settlement.

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

SANJEEV NARULA, J

NOVEMBER 21, 2025/ab