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

+ CRL.M.C. 8333/2025

RAJNISH AND ORS

.....Petitioners

Through: Mr. Mohit Bhardwaj, Ms. Rashmi Pandey, Mr. Ankur Agarwal and Mr. Rahul Gupta, Advocates along with Petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR ..Respondents

Through: Mr. Hitesh Vali, APP for State.

+ CRL.M.C. 8345/2025 & CRL.M.A. 34816/2025

MAHESH AND ORS

.....Petitioners

Through: Mr. Mohit Bhardwaj, Ms. Rashmi Pandey, Mr. Ankur Agarwal and Mr. Rahul Gupta, Advocates along with Petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR ..Respondents

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.12.2025

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1. These petitions under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of Criminal Procedure Code, 1973²) seek quashing of FIR No. 367/2023 [subject matter of CRL.M.C.

¹ "BNSS"

² "CrPC"



8333/2025] and FIR No. 368/2023 [subject matter of CRL.M.C. 8345/2025]. Both FIRs dated 21st May, 2025, were registered at P.S. New Usmanpur, the former under Sections 307 and 34 of the Indian Penal Code, 1860³, and the latter under Sections 323, 341 and 34 IPC. The petitions are based on a settlement entered between the petitioners and the respective complainants in the two FIRs.

2. FIR No. 367/2023 was registered on complaint of Puneet Kumar, alleging that on 20th May, 2023 at about 8:00 PM, a dispute ensued after his father (Mahesh Chand) scolded a child (Anuj) who had accidentally hit him with a ball. The child was visiting the house of accused Rajnish. Shortly thereafter, Rajnish, along with his brother Brijesh and his son Sonu, allegedly came to the street outside Puneet's residence, and started abusing him and his father. Rajnish and Sonu assaulted Puneet and Mahesh Chand with a sharp-edged weapon, causing them injuries.

3. FIR No. 368/2023 was registered on the complaint of Brijesh Kashyap, alleging that on 20th May, 2023, at about 8:05 PM, he was making gunny bags, when Anuj came home crying and informed that one of their neighbours had scolded him harshly. The Complainant states that he, along with his brother Rajnish and his son Sonu, went to Mahesh's house to inquire into the matter. They allege that after expressing their grievance, when they were returning home, Mahesh, along with his sons Puneet and Gaurav, allegedly ran towards them, obstructed their way, and assaulted them, causing them injuries.

4. The parties have settled their disputes and differences and executed a Settlement Deed/Memorandum of Understanding dated 20th August, 2025.

³ "IPC"



The copy of the Deed is on record and perused by the Court. As per its terms, the parties have mutually undertaken to withdraw all allegations levelled against each other and to jointly seek quashing of the proceedings arising out of the two FIRs.

5. Both complainants are present 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. Each has filed an Affidavit/No-Objection Certificate affirming that the compromise was entered into voluntarily, without any coercion, pressure, or undue influence.

6. On the last date of hearing, it was noticed that there were other victims/injured in the two FIRs whose Affidavit/No Objection Certificates were not on record. The said individuals have now filed their respective affidavits and the same has been perused by the Court.

7. The Court has considered the submissions advanced by the parties. It is true that while the offences under Sections 323 and 341 are compoundable in nature, the offence under Section 307 is non-compoundable. 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.”

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]

9. Although the offence under Section 307 IPC cannot be treated as strictly ‘in personam’, and it touches upon public concerns rather than being

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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, as well as the victims/injured, 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. They state that there was never an intent to kill or hurt and the alleged assault was on the heat of the moment and they have resolved their disputes and differences. 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. 367/2023 and FIR No. 368/20233, both registered at P.S. New Usmanpur, 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 2,500/- each with the



Delhi Police Welfare Fund, within a period of four weeks from today. Proof of payment be submitted with the concerned IO within two weeks thereafter.

14. It is expected that 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

DECEMBER 9, 2025/MK