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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1897/2025 &CRL.M.As. 8586/2025, 8587/2025**
KAPIL AHUJAPetitioner

Through: Mr. Aashish Goel, Advocate.
Petitioner in person

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents
Through: Mr. Amit Ahlawat, APP for State.
SI Manisha, P.S. Mandawli with
complainant (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
24.04.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²), seeks quashing of FIR No. 126/2011 under Sections 323, 379, 356 and 354 of the Indian Penal Code, 1860³, registered at P.S. Mandawli Fazadpur and all proceedings emanating therefrom. The petition is premised on a settlement between the parties recorded in a Memorandum of Understanding⁴ dated 14th December, 2023.

2. As per the prosecution, on 30th March, 2011, a complaint was

¹ "BNSS"

² "Cr.P.C."

³ "IPC"

⁴ "MoU"



received from Respondent No. 2 (the Complainant) who is the wife of the Petitioner's former employer. In the said complaint, it was alleged that on 29th March, 2011, at approximately 11:00 P.M., the Petitioner entered her residence on the false pretext of having come along with her husband. Once inside, he allegedly bolted the door from within, physically assaulted her using his helmet, and attempted to forcibly outrage her modesty by tearing her clothes. When she resisted and raised an alarm, it is alleged that the Petitioner snatched a gold chain and a ring from her person before fleeing the premises. The Complainant then alerted her neighbour and informed her husband of the incident.

3. Following the incident, the Complainant's husband contacted the police helpline number 100, pursuant to which a PCR van arrived and transported the Complainant along with her husband to LBS Hospital for medical examination. Based on the Complainant's statement, FIR No. 126/2011 was registered against the Petitioner under Sections 323, 379, 356, and 354 of the IPC. Upon completion of the investigation, a chargesheet was filed, followed by a supplementary chargesheet, invoking the same provisions of law against the Petitioner.

4. In the present petition, it is submitted that the dispute between the Petitioner and Respondent No. 2 stands amicably resolved. Respondent No. 2 has stated that she does not wish to pursue the matter any further. The MoU dated 14th December, 2023, executed between the parties, records the terms of the settlement.

5. In terms of the MoU, the parties have amicably resolved their disputes and agreed to cooperate in the present proceedings for quashing of the subject FIR. As part of the settlement, the Petitioner has undertaken to bear



all costs and expenses associated with the quashing.

6. Pursuant to the said settlement, the statement of Respondent No. 2 was recorded before the Joint Registrar of this Court on 20th March, 2025. In her deposition, she confirmed that the matter had been resolved voluntarily, without any pressure, threat, or coercion from any quarter. She categorically stated that she no longer wishes to pursue the subject FIR and has no objection to its quashing.

7. Respondent No. 2, appears in person and is identified by her counsel. She unequivocally states that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer.

8. The Court has considered the submissions of the parties. While the offences under Sections 354 and 356 of the IPC are non-compoundable, Sections 323 and 379 of the IPC are compoundable by the person to whom the hurt is caused and the owner of the property stolen, respectively. It is well settled that in the exercise of its inherent powers under Section 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.**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***

⁵ (2012) 10 SCC 303



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]

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

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

⁶ (2014) 6 SCC 466



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]

10. Although offences under Sections 354 and 356 of 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. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further and has 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. 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 482 of the Cr.P.C. to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and the FIR



No. 126/2011 under Sections 323, 379, 356, and 354 of the IPC, registered at P.S. Mandawli Fazadpur, Delhi, as well as all consequential proceedings arising therefrom, are hereby quashed. It is directed that the Petitioner shall deposit a fine of ₹10,000/- with the Delhi Police Welfare Fund.

12. The parties shall remain bound by the terms of settlement.

13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

APRIL 24, 2025

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