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

+ CRL.M.C. 8473/2025, CRL.M.A. 35435/2025

SHAZIA FAIZAN & ORS.

.....Petitioners

Through: Mr. Md. Zaid Suleman and
Mr. Vishal Jha, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State with ASI Ominder Singh, PS-
Jamia Nagar.
Complainant in person (through VC).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.12.2025

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1. This 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. 371/2025 dated 5th August, 2025, registered at P.S. Jamia Nagar, Delhi, under Sections 74, 115(2), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ and all proceedings emanating therefrom.

2. The case of the prosecution emanates from the Complainant/Respondent No. 2, who claims to be the owner of the property at R-39, Joga Bai Extension, Jamia Nagar, Delhi since 1994 and a

¹ "BNSS"

² "CrPC"

³ "BNS"



permanent resident of the United States since 2001. In her complaint, she alleged that on 04th August, 2025, when she visited the said property after returning to India, Petitioner No. 1, along with her husband, mother and brother (Petitioners No. 2 to 4), obstructed her, abused her, and assaulted her. It was further alleged that Petitioner No. 1 struck her on the neck and arms with a stick, her husband allegedly held her hand, and her brother pushed her with wrongful intent, while all of them issued threats to kill her if she returned to the property. The Complainant also stated that upon returning from her medical examination, she found the locks of her fifth-floor flats broken. Based on her statement, the FIR was registered.

3. The parties state that, with the intervention of common friends, relatives and other respectable members of society, they have amicably resolved their disputes and the complainant has decided not to pursue the present FIR against them. A Compromise Deed dated 18th November, 2025, was executed between them.

4. A copy of the Compromise Deed has been duly placed on record and perused by the Court. As per its terms, the Complainant has mutually resolved all disputes and differences with the Petitioners and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

5. The Complainant, who appears through the Video Conferencing mechanism, duly identified by the Investigating Officer, confirms her signatures on the Settlement Agreement dated 18th November, 2025, and unequivocally states that she does not wish to pursue the FIR or the proceedings arising therefrom. She further affirms that her decision to settle the matter is voluntary and without any coercion or undue influence. The Complainant also acknowledges that the underlying property dispute



referred to in the FIR now stands fully resolved, and that the Petitioners are no longer in possession of the disputed premises. The Petitioners appear in person, and are duly identified by the Investigating Officer. In view of the amicable settlement, the parties jointly seek quashing of the subject FIR and all consequential proceedings.

6. The Court has considered the submissions of the parties. While the offence under Section 74 BNS is non-compoundable, the offences under Sections 115(2) and 126(2) BNS are compoundable in certain cases.

7. 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.**⁴ 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]

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the Supreme Court held as follows:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



“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]

9. Although the offence under Section 74 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.

10. Keeping in mind the Complainant's unequivocal statement before this Court confirming that the settlement is voluntary, that the underlying property dispute stands resolved, and that she does not wish to support the prosecution any further, the likelihood of securing a conviction becomes exceedingly remote. In such circumstances, continuation of the criminal proceedings would serve no meaningful purpose and would only result in unnecessary consumption of judicial time and resources.

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 petition is allowed and FIR No. 371/2025 dated 5th August, 2025, registered at P.S. Jamia Nagar, Delhi, under Sections 74, 115(2), 126(2) and 3(5) BNS, and all proceedings emanating therefrom, are hereby quashed.

13. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today.



Proof of payment of cost to be deposited with the concerned IO.

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

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

SANJEEV NARULA, J

DECEMBER 8, 2025

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