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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8714/2025, CRL.M.A. 36350/2025 & CRL.M.A.
36351/2025

DR RAHUL KAKRAN AND ANRPetitioners

Through: Dr. Rahul, Dr. Ashwini Maichand,
Advocates with Petitioners in person.

versus

GNCT OF DELHI AND ANRRespondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Saurabh Kumar, PS
Shalimar Bagh.

Mr. Abhinav Shrivastava, Advocate
for R-2.

R-2 in person (through VC)

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
05.12.2025

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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. 424/206 dated 22nd June, 2016, registered under Sections 336, 506 and 34 of the Indian Penal Code, 1860³ at P.S. Shalimar Bagh, and all consequential proceedings emanating therefrom.
2. Briefly stated, the case of the prosecution arises from a complaint lodged by the Complainant/Respondent No. 2, Ram Karan Rai, alleging that

¹ "BNSS"

² "CrPC"

³ "IPC"



on 19th June, 2016, his son Ravi Rai, then aged 24 years, was admitted to Fortis Hospital, Shalimar Bagh, with a fracture in his right leg. It is alleged that Dr. Ashwini Maichand advised surgical intervention for the said right-leg injury. The Complainant states that when the surgery was performed on 21st June, 2016 and he met his son thereafter, he discovered that the doctor had operated on Ravi's left leg, which, according to him, had no injury. On this basis, the present FIR came to be registered at P.S. Shalimar Bagh.

3. The parties state that they have amicably resolved their disputes of their own volition, without any threat, pressure, or coercion, before the Mediation Centre, Rohini District Courts, Delhi. The Complainant and the victim, who has executed a Special Power of Attorney⁴ in favour of his father (the Complainant), have expressed their decision not to pursue the FIR any further. A Settlement Agreement dated 22nd February, 2025 has been executed between the Petitioners and the Complainant, recording the terms of their amicable settlement.

4. A copy of the Settlement Agreement has been placed on record and duly perused by this Court. As per its terms, the Complainant and the victim (represented through the SPA) have mutually settled all disputes and differences with the Petitioners and have agreed to the quashing of the present FIR. The settlement also records that both sides shall withdraw all cases pending before various courts.

5. The Complainant appears before this Court through the Video Conferencing mechanism and is duly identified by the Investigating Officer. He confirms the factum and voluntariness of the settlement, and further states that the entire settlement amount, in terms of the settlement, has been



received. The victim, Ravi Rai, has also joined the proceedings through the Video Conferencing mechanism, confirms the settlement terms as well as the execution of the SPA in favour of his father, and confirms that he has no objection to quashing of the FIR. The Petitioners have also appeared in person and have been duly identified by the Investigating Officer. In view of the amicable settlement, the parties jointly pray for quashing of the FIR and the proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 336 IPC is non-compoundable, Section 506 is 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.**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 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]

⁴ “SPA”

⁵ (2012) 10 SCC 303



8. 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 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

⁶ (2014) 6 SCC 466



him by not quashing the criminal cases.”

[Emphasis Supplied]

9. Although the offence under Section 336 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 Complainant and the victim have both categorically expressed their unwillingness 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 petition is allowed and FIR No. 424/206 dated 22nd June, 2016, registered under Sections 336, 506 and 34 IPC at P.S. Shalimar Bagh, and all consequential proceedings emanating therefrom, are hereby quashed.

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



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

SANJEEV NARULA, J

DECEMBER 5, 2025/ab