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

+ **CRL.M.C. 8765/2025**

MOHD. YAMIN & ORS

.....Petitioners

Through: Ms. Anamika and Mr. Rajeev Kumar
Singh, Advocates.

versus

STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
along with ASI Banai Singh and SI
Bhoop Singh.
Respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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08.12.2025

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. 431/2022 dated 3rd June, 2022, registered under Sections 308 and 34 of the Indian Penal Code, 1860³ at P.S. Binda Pur, and all consequential proceedings emanating therefrom.
2. The case of the prosecution emanates from a complaint filed by the Complainant/Respondent No. 2, who alleges that on 2nd June, 2022, while he and his son were repairing a water pipeline outside their house, the

¹ "BNSS"

² "CrPC"

³ "IPC"



Petitioners, who are their neighbours, approached them and, after issuing threats, allegedly assaulted them. As per the complaint, Kasim and Yamin caught hold of the Complainant and his son, while Saddam, who was carrying an iron rod, struck them on the head with the intention to kill. The Complainant sustained grievous injuries, while his son sustained simple injuries. Based on his statement, the FIR was registered.

3. Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioners and have decided not to pursue the FIR. A Memorandum of Understanding dated 4th November, 2025, has been executed between the Petitioners and the Complainant.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, the parties have mutually resolved all disputes and differences, and the Complainant has agreed to voluntarily give his no-objection to the quashing of the FIR.

5. Respondents No. 2 and 3, who appear in person and are duly identified by the Investigating Officer, unequivocally state that they do not wish to pursue the FIR proceedings and confirm that the settlement is voluntary and free from coercion.

6. During the course of the proceedings and in furtherance of the settlement, the Petitioners voluntarily offered to pay a total sum of INR 75,000/- to Respondent No. 2 as full and final settlement towards the injuries suffered by him, which are grievous in nature. Respondent No. 2 confirms receipt of INR 50,000/- in cash and INR 25,000/- through UPI. A receipt evidencing payment has been handed over across the board and taken on record. In view of the voluntary and amicable resolution, the parties jointly seek quashing of the FIR and all proceedings arising therefrom.



7. The Court has considered the submissions of the parties. Notably, the offence under Section 308 IPC is non-compoundable. However, 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 an exercise in futility.”

[Emphasis added]

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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 308 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. Respondents No. 2 and 3 have 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. 431/2022 dated 3rd June, 2022, registered under Sections 308 and 34 IPC at P.S. Binda Pur, and all consequential 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 be deposited with the IO within 15 days thereafter.

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/MK