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

+ **W.P.(CRL) 25/2025 & CRL.M.A. 219/2025**

PARVEJ@AASIF AND ORS

.....Petitioners

Through: Ms. Abhishek Jha, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the
State along with Mr. Alok Sharma
Advocate with SI Nitin Kumar, PS
Harsh Vihar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.09.2025

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1. The present petition under Article 226 of the Constitution of India read with 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. 637/2024 dated 25th November, 2024, registered under Sections 309(6)/3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Harsh Vihar and all consequential proceedings emanating therefrom.
2. The case of the prosecution, in brief, is that on 25th November, 2024, at around 12:30 PM, an altercation ensued in front of the biryani shop of the Complainant/Respondent No. 2. A customer had parked his motorcycle on

¹ "BNSS"

² "CrPC"

³ "BNS"



the roadside, when Aasif @ Parvej (Petitioner No. 1), arriving in his vehicle, directed that the motorcycle be removed and allegedly used abusive language before leaving. Shortly thereafter, he returned, parked his vehicle, and began quarrelling and misbehaving with the Complainant. When Bobby (Respondent No. 3), an employee at the Complainant's shop, attempted to intervene, the Petitioner also quarrelled with and abused him. The dispute escalated to the nearby intersection, where certain acquaintances of the Petitioner, namely Nadeem, Abrar and Rehan (Petitioners No. 2 to 4), joined and collectively assaulted Respondents No. 2 and 3. The Complainant was allegedly taken to a nearby place, where he was beaten with sticks, while Bobby was assaulted with kicks and punches. During the course of the scuffle, a sum of INR 6,000 was allegedly snatched from the Complainant. It is further alleged that once the Complainant and Bobby returned to the shop, the Petitioners again attacked the Complainant at his shop premises, assaulted him, and forcibly took INR 4,000 from the shop's cash box before fleeing. On the basis of these allegations, the subject FIR came to be registered on 25th November, 2024, under Sections 309(6) and 3(5) of BNS.

3. The parties state that, with the intervention of well-wishers, family members and other respectable members of the society, Respondents No. 2 and 3 have amicably resolved the matter with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this settlement, a Compromise Deed dated 11th December, 2024, was executed between the Petitioners and Respondents No. 2 & 3.

4. A copy of the Compromise Deed has been placed on record and perused by the Court. As per its terms, Respondents No. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have



agreed to voluntarily give their no objection to the quashing of the subject FIR.

5. Respondents No. 2 and 3, who have appeared before the Court and are identified by the Investigating Officer, have unequivocally stated that they do not wish to pursue the FIR proceedings. They have confirmed that their decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

6. In light of the injuries sustained by Respondent No. 3, which have been classified as grievous, the Petitioners have taken a proactive step to demonstrate their commitment towards a genuine and amicable resolution of the dispute. As a gesture of good faith, the Petitioners have voluntarily transferred a sum of INR 20,000/- to Respondent No. 3 via UPI. The transaction has been duly completed and stands acknowledged as received by Respondent No. 3. This voluntary act reinforces the genuineness of the compromise and the intention of both sides to bring the dispute to a quietus.

7. The Court has considered the aforementioned facts and submissions. Notably, the offence under Section 309(6) of BNS 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 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 309(6) of 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. Respondents No. 2 and 3, who have appeared before the Court, have categorically expressed their unwillingness to pursue the matter 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 of BNSS (corresponding to 482 of CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 637/2024 dated 25th November, 2024, registered under Sections 309(6)/3(5) of BNS at P.S. Harsh Vihar 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

SEPTEMBER 24, 2025/ab