



\$~46

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

+ CRL.M.C. 8898/2025, CRL.M.A. 37108/2025

WAKAR

.....Petitioner

Through: Mr. S.K. Gill, Mr. Vipin Rana,
Mr. Muzammil Hasan, Mr. Shivam
Gill, Mr. Satyam Gill and Ms. Ritu,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Talib Khan, PS-Lodhi
Colony.
Mr. Rajveer Nangwal, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.12.2025**

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. 84/2019, registered at P.S. Lodhi Colony, for the offences under Sections 354/323/509 of the Indian Penal Code, 1860³, Delhi and all consequential proceedings emanating therefrom.

2. The prosecution case arises from a complaint lodged by Respondent No. 2, alleging that on 3rd April, 2019, while she was present at the JNS Bus Stand, the Petitioner, who was seated there, passed inappropriate remarks towards her. When the complainant questioned whether the remarks were directed at her, the Petitioner allegedly became agitated, stood up, slapped

¹ "BNSS"

² "CrPC"



her, and grabbed her T-shirt. It is further alleged that when the complainant raised an alarm and threatened to call the police, the Petitioner boarded a bus and fled from the spot. On the basis of the said complaint, the present FIR came to be registered. Upon conclusion of investigation, chargesheet was filed against him for the aforementioned offences.

3. The matter was referred to mediation before the Mediation Centre, Saket Courts, Delhi, where the dispute has been amicably resolved between the parties. Respondent No. 2 has decided not to pursue the present FIR against him. Pursuant to this settlement, a Mediation Settlement dated 24th February, 2025, has been executed between the parties, a copy whereof is placed on record and has been perused by the Court. As per its terms, the Petitioner has agreed to pay a total sum of ₹45,000/- to Respondent No. 2 as full and final settlement, who, in turn, has agreed to voluntarily give her no objection to the quashing of the subject FIR.

4. The Complainant, who appears in person and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. She states that she is now married, and is continuing her education, and therefore wishes to put the matter behind her and move on with her life. She further states that the Petitioner has duly apologised to her, which apology she has accepted. She also clarifies that the compensation of ₹45,000/- offered to her is only towards the legal expenses incurred by her over a period of time, and that the said amount has already been received by her. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject

³ “IPC”



FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 354 of IPC is non-compoundable, Sections 323 and 509 of IPC are compoundable in certain cases, with the permission of the Court.

6. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now 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]

7. 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

8. Although the offence under Section 354 of the 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.

9. 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 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed and FIR No. 84/2019, P.S. Lodhi Colony, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

DECEMBER 12, 2025

nk