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

+ **CRL.M.C. 411/2025**

DHWANIT @ PRINCE

.....Petitioner

Through: Mr. Navin Kumar Chaudhury,
Advocate with Petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP.
SI Kiranpal Singh, PS: Subzi Mandi,
Delhi.
Mr. Devagga Kainth, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.03.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 175/2020 dated 13th June, 2020,³ registered at Police Station Subzi Mandi for offences under Sections 356/379/411/34 of the Indian Penal Code, 1860,⁴ and all other proceedings emanating therefrom. Subsequently, a chargesheet has been filed and the Petitioner has been charged under the aforesaid provisions.

2. The impugned FIR has been registered on a complaint made by Respondent No. 2 wherein he had stated that on 12th June, 2020 when he was returning from his office at Pitampura, Delhi to his house, on Roshanara Road, two boys on a two-wheeler came from the backside and the boy

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



sitting on the pillion snatched his mobile phone and the Complainant ran behind them raising hue and cry. Upon hearing him, a police constable blocked them and they both fell from the motorcycle and they were apprehended. The stolen mobile phone was recovered from the boy sitting on the pillion.

3. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence with the intervention of respectable members of society and a Memorandum of Settlement dated 7th December, 2024 has been executed between Petitioner and Respondent No. 2. As per the said Settlement, the Petitioner agreed to pay a sum of INR 40,000/- to Respondent No. 2 as full and final settlement of all claims.

4. On 22nd January, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar and on the same day, after verification of all crucial aspects, the Joint Registrar passed the following order:

“Today, statement of respondent no. 2 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement. As per the settlement, the respondent no. 2 has received monetary compensation for Rs. 40,000 and he has also received his stolen mobile phone on superdari. Proceeding against one of the co-accused already stand abated. R-2 voluntarily submit that he does not wish to pursue the FIR and has no objection if FIR no. 175/2020, Under Section 379/411/356/34 IPC at PS Sabzi Mandi, Delhi and all proceedings emanating there from are quashed. This pre verified report along with the petition may be placed before the Hon'ble Court on 27th February, 2025 alongwith the statements recorded.”

5. In light of the foregoing, counsel for the parties jointly pray for the quashing of the impugned FIR. Respondent No. 2, who is present in Court, confirms his statement made to the Court and gives no objection to the



quashing of the impugned FIR. An affidavit-cum-No Objection Certificate to this effect has also been placed on record.

6. The Court has considered the afore-noted facts. Notably, offence under Sections 356, 379 and 411 of IPC are non-compoundable.

7. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of Cr.P.C.), can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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

⁵ (2014) 6 SCC 466



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. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁶ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even

⁶ (2017) 9 SCC 641



if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the



domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

9. It must also be noted that the co-accused in the FIR, namely Mr. Deepak @ Golu has since deceased on 13th August 2023, which factum has been confirmed by the prosecution through death verification report dated 24th October, 2024 filed before the Trial Court.

10. In view of the foregoing, considering the nature of dispute and the fact that the parties have amicably resolved their disputes, no purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 15,000/- with the Delhi Police Welfare Fund.

12. In view of the above, the impugned FIR No. 175/2020 and all consequential proceedings arising therefrom are hereby quashed.

13. The present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

MARCH 11, 2025/ d.negi