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

+ CRL.M.C. 9015/2025 & CRL.M.As. 37667-37668/2025

DELHI INTERNATIONAL AIRPORT LIMITEDPetitioner

Through: Mr. Anirudh Bakhru, Mr. Ayush Puri
and Mr. Abhigyan Pandey, Advocates
with Authorised Representative of
Petitioner company.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for State.
ASI Yogeshwar Dayal, P.S. Delhi
Cantt.
Mr. Ravindra Kumar Singh, Mr.
Vikas Singh and Mr. Shashank
Sharma, Advocates for R-2 with R-2
(in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.12.2025

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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. 220/2013 dated 13th July, 2013, registered at P.S. Delhi Cantt., under Section 363 of the Indian Penal Code, 1860³, and all consequential proceedings emanating therefrom.

2. The prosecution case arises from the complaint lodged by Respondent No. 2, Ms. Kamlesh Sharma, a resident of Delhi Cantt., New Delhi whose

¹ "BNSS"

² "CrPC"



minor son, Vishal Sharma, aged about 14 years, went missing on 13th July, 2013, after leaving home for the purpose of delivering a CD to a vendor at Mahipalpur. When he failed to return, the complainant searched for him in the nearby area and made inquiries from relatives and acquaintances, but to no avail. Apprehending that her minor son had been kidnapped by some unknown person, she approached the police, pursuant to which FIR No. 220/2013 under Section 363 IPC was registered at P.S. Delhi Cantt. On the same day, during the course of investigation, the dead body of Vishal Sharma was recovered by the police with the assistance of the Fire Department from a water-filled excavation pit, measuring approximately 20×20 meters and about 20 feet deep, located behind Aero-City and Ibis Hotel, Delhi. This place was alleged to be left unattended and under the supervision or responsibility of the Petitioner company.

3. The parties state that they have amicably resolved their disputes before the Delhi High Court Mediation and Conciliation Centre and the Petitioner, through its Authorized Representative Mr. Sudhanshu Ojha, and Respondent No. 2 have executed a Settlement Agreement dated 4th September, 2025. A copy of the settlement is on record and has been perused by the Court. In terms thereof, parties have resolved their disputes in relation to subject FIR as well as the connected civil proceedings, including Civil Writ Petition bearing No. 3577/2015 titled ***Kamlesh Sharma v. Delhi International Airport Ltd. & Ors.*** Respondent No. 2 has agreed to voluntarily give her no objection to the quashing of the present FIR and has further agreed not to press the protest petition filed by her against the final

³ “IPC”



report of the prosecution under Section 173 CrPC. The Petitioner has paid a sum of INR 20,00,000/- to Respondent No. 2 towards full and final settlement of all her claims.

4. Respondent No. 2, who appears in person and is duly identified by the Investigating Officer, confirms the settlement and unequivocally states that she consents to the quashing of the FIR. She affirms that the settlement has been arrived at voluntarily, without any pressure or coercion, and further confirms that she has received the entire settlement amount in terms of the Agreement. She also states that pursuant to the settlement, the civil writ petition being W.P.(C) 3577/2015 has already been disposed of as withdrawn *vide* order dated 5th December, 2025. The Authorized Representative of the Petitioner submits that the settlement has been entered, without admitting any guilt, for *bona fide* reasons, to bring finality to a long-pending dispute and to avoid further litigation. In view of the amicable resolution, the parties jointly seek quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the afore-noted facts and submissions. Notably, the offence under Section 363 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

⁴ (2012) 10 SCC 303



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]

6. 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 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

⁵ (2014) 6 SCC 466



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]

7. Although the offence under Section 363 IPC is non-compoundable and cannot be treated as purely in personam, the Court must necessarily evaluate the peculiar facts and the material placed on record. The FIR was registered on the basis of an apprehension expressed by Respondent No. 2 that her minor son had been induced away by unknown persons, without attribution of any specific role or overt act to the Petitioner at the inception. Subsequently, his body was found in the area which was under the control of the Petitioner company. On completion of investigation, the police filed a closure report under Section 173 CrPC. The record, as it stands, does not disclose any material suggesting that the Petitioner company indulged in any rash, reckless or negligent act in relation to the unfortunate death of the child. There is no *prima facie* material indicating that any act or omission on the part of the Petitioner was of such a nature as could give rise to liability founded on the principle of criminal negligence. Despite the lapse of considerable time and prolonged investigative proceedings, the evidentiary substratum linking the Petitioner to the alleged offence has remained tenuous and inconclusive.



8. The civil proceedings have already been disposed of by order dated 5th December, 2025 [W.P.(C) 3577/2015], in terms of the settlement between the parties. Thus, having regard to the totality of circumstances, including the nature of allegations, the absence of material disclosing culpable conduct on the part of the Petitioner, and the *bona fide* settlement arrived at between the parties, this Court is of the considered view that this is a fit case for exercise of inherent jurisdiction under Section 528 BNSS to bring quietus to the proceedings.

9. In view of the foregoing, the present petition is allowed and FIR No. 220/2013 dated 13th July, 2013, registered at P.S. Delhi Cantt., and all consequential proceedings emanating therefrom, are hereby quashed.

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

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

SANJEEV NARULA, J

DECEMBER 17, 2025/as