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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 554/2025 & CRL.M.A. 2648/2025**
AAKASH BISAIYAPetitioner

Through: Mr. Sunil Kumar, Advocate with
Petitioner (in-Person).

versus

STATE NCT OF DELHI & ORS.Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Kriti Singh, P.S. Welcome.
Respondents No. 2 & 3 (in-Persons).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.08.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 285/2018 under Sections 354/506³ of the Indian Penal Code, 1860⁴, registered at P.S. Welcome and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioner is that on 22nd July 2018, at around 2:00 PM, the Complainant/Respondent No. 2 was accosted by the Petitioner, while on her way to Bikaner Sweets. The Petitioner allegedly hit her chest, made unwelcome gestures, and threatened her with dire consequences, including threats of acid attack, if she did not

¹ "BNSS"

² "Cr.P.C."

³ "impugned FIR"



reciprocate his feelings. On the same day, the Petitioner called the Complainant's father (Respondent No. 3), abused, and further threatened him and the Complainant. Despite being confronted by Respondent No. 3 at his residence in the presence of his mother, the Petitioner continued with his inappropriate conduct. Fearing for her safety, the Complainant, accompanied by Respondent No. 3, approached the police station and sought legal action against the Petitioner, leading to the registration of the impugned FIR. Subsequently, upon further investigation and in light of the Complainant's statement under Section 164 of Cr.P.C alleging past incidents of stalking by the Petitioner, a chargesheet was filed against him under Sections 354/354-D/506 of IPC.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondents No. 2 and 3 have amicably resolved the dispute with the Petitioner and have decided not to pursue the impugned FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁵ dated 21st December, 2024, was executed between the Petitioner and Respondents No. 2 and 3.

4. A copy of the MoU 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 Petitioner and have agreed to voluntarily give their no objection to the quashing of the impugned FIR. Affidavits of Respondents No. 2 and 3 have been placed on record to this effect.

5. In view of the settlement, Respondent No. 2 and 3, who appear in person and are duly identified by the Investigating Officer, have

⁴ "IPC"

⁵ "MoU"



unequivocally stated that they do not wish to pursue the impugned FIR proceedings. Respondent No. 2 states that the impugned FIR was lodged in 2018, and since then, the Petitioner has neither harassed nor threatened her. She further states that the Petitioner has publicly apologized for his conduct in the presence of family members and other community members, and she has accepted his apology. Considering her future career and matrimonial prospects, she states that she wishes to bring the matter to a close, as the continued pendency of the case would negatively impact her mental peace. Respondent No. 3 has echoed this sentiment, stating that the parties reside in close proximity, and since the filing of the impugned FIR, there has been no incident of harassment by the Petitioner. He too does not wish to pursue the matter further. Respondents No. 2 and 3 further confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 354/354-D of IPC are non-compoundable, Section 506 of IPC is compoundable in certain cases. It is well settled that in the exercise of its inherent powers under Section 482 of Cr.P.C (now Section 528 of 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.*⁶ 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.*,⁷ 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

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



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 offences under Sections 354/354-D of IPC cannot be treated as strictly ‘*in personam*’, and they touch 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. 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 482 of the Cr.P.C. to secure the ends of justice.

9. However, considering the fact the State machinery has been put into motion, ends of justice would be served if the Petitioners are put to cost.

10. In view of the foregoing, the impugned FIR No. 285/2018 as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of cost of INR 20,000/- to be deposited with the Delhi Police Welfare Society within a period of two weeks. Proof of payment to be furnished to the concerned SHO.

11. Having regard to the nature of allegations, this Court finds it appropriate to direct the Petitioner to undertake community service as a measure of accountability and reflection. The Petitioner is accordingly directed to perform 50 hours of community service at Lok Prakash Narayan Hospital within a period of 30 days. The Petitioner shall report to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital on 8th September, 2025, for instructions and assignment of duties. Upon completion of the said hours, a certificate confirming the completion of community service shall be issued by the Medical Superintendent and the same shall be filed with the Registry. In the event of any absenteeism, default, or misconduct on the part of the Petitioner during the course of the community service, the same shall be immediately reported by the Medical Superintendent to the concerned SHO, who shall, in turn, inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the FIR.



12. The parties shall remain bound by the terms of settlement.
13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

AUGUST 25, 2025
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