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

+ CRL.M.C. 9260/2025, CRL.M.A. 38651/2025

GAURAV CHAUDHARY

.....Petitioner

Through: Mr. Rohish Arora, Advocate.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Vivek Kr., PS-GK-I.
Mr. Shivanshu Gusain and Mr.
Anirudh Sharma, Advocates for R-2,
3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.12.2025**

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. 339/2020 dated 24th August, 2020,³ registered under Section 279 of the Indian Penal Code, 1860⁴ at P.S. Greater Kailash, Delhi and all consequential proceedings emanating therefrom.

2. The prosecution case is that in the early hours of 25th August, 2020, a Scorpio vehicle allegedly struck the entrance gate of house No. E-30,

¹ "BNSS"

² "CrPC"

³ "impugned FIR"

⁴ "IPC"



Greater Kailash-I, New Delhi, belonging to the Complainant/Respondent No. 2, Manish Arora, causing damage to the gate and other fixtures, and it is alleged that the security guard, Dilip Singh (Respondent No. 3), sustained minor injuries while moving away from the vehicle. On receipt of DD No. 08A and on the basis of the written complaint of the complainant, the impugned FIR was registered under Section 279 IPC. During investigation, the vehicle bearing registration No. DL-12-CL-1018 was traced and seized, the Petitioner was identified as the driver, and upon completion of investigation, a charge-sheet was filed Sections 279/336 IPC.

3. The parties submit that during the pendency of the criminal proceedings, the dispute has been amicably resolved before the Trial Court. On 4th June, 2025, statements of Respondent No. 2, and Respondent No. 3, were recorded by the Trial Court, wherein they acknowledged that the matter had been settled with the Petitioner. Respondent No. 2 received a sum of INR 1,25,000/-, and Respondent No. 3 received a sum of INR 50,000/-, towards full and final settlement. Both Respondents No. 2 and 3 have undertaken to cooperate with the Petitioner in seeking quashing of the impugned FIR and have expressed no objection to the same. Copies of the order dated 4th June, 2025 and the statements so recorded have been placed on record.

4. Respondents No. 2 and 3, appearing in person and duly identified by the Investigating Officer, give their no objection to the quashing of the impugned FIR. They have further confirmed the receipt of the full and final settlement amount from the Petitioner.

5. The Court has considered the submissions of the parties. While the offence under Section 279 IPC is non-compoundable, Section 337 IPC is



compoundable in certain cases.

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.**⁵ 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.**,⁶ 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



***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. The allegations in the present case arise out of a road traffic incident attracting Sections 279 and 336 IPC. The material on record does not prima facie disclose any specific or overt act attributable to the Petitioner demonstrating rashness or negligence beyond the occurrence of the accident itself. The incident does not reflect any aggravating or culpable circumstances and appears to be accidental in nature. The injuries sustained were simple. Further, the complainant and the injured have voluntarily settled the matter before the Trial Court and have, on oath, categorically expressed their unwillingness to pursue the proceedings any further. In these



circumstances, the likelihood of securing a conviction is remote.

9. Continuation of the criminal proceedings would, therefore, serve no meaningful purpose and would amount to an unnecessary prolongation of litigation. Having regard to the nature of the offences, the absence of aggravating factors, the simplicity of the injuries, and the bona fides of the settlement recorded before the Trial Court, this Court is satisfied that the present case warrants exercise of inherent jurisdiction under Section 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice and prevent abuse of the process of law.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 339/2020 as well as all consequential proceedings arising therefrom are hereby quashed.

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 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.

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

DECEMBER 24, 2025

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