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

+ **CRL.M.C. 1521/2025 & CRL.M.A. 6837/2025**

AVTAR SINGH@GOLU

.....Petitioner

Through: Mr. Varun Garg and Mr. Amit Singh,
Advocates with Petitioner in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Gurdhari and SI Rupesh Raj, P.S.
Bharat Nagar.
Respondent No. 2 (in-person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.08.2025

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1. The present petition filed 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. 635/2020 dated 22nd November, 2020, registered under Section 380 of the Indian Penal Code, 1860³ at P.S. Bharat Nagar, Delhi and all proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 22nd November, 2020, SI Sumit Kumar received information regarding a theft *vide* DD No. 65A and proceeded to the house of the Complainant, one Jaipal Kashyap. On inspecting the first floor of the

¹ "BNSS"

² "CrPC"

³ "IPC"



premises, he found articles lying scattered around. The Crime Team was called for inspection, after which the Complainant was asked to record his statement.

2.2. In his statement, the Complainant stated that he resided at the said address with his family. On 19th November, 2020, he had gone to his village with his wife and children and returned alone the following day. On 21st November, 2020, after locking the house, he went to his shop at Kanhiya Nagar, Trinagar, and returned home around 7:30 PM. On reaching the first floor, he found the staircase gate closed, his room door open, and the articles therein scattered around. After checking with his wife over the phone, he discovered that cash amounting to INR 1,05,000/- and several ornaments had been stolen.

2.3. Based on his statement, an FIR under Section 380 of IPC was registered. During investigation on 7th December, 2020, a secret informer conveyed that a boy involved in the theft would be passing near Haryana Nahar towards Prerna Chowk at about 5:30 PM. The SHO was informed and, accordingly, a raiding team was constituted.

2.4. At about 5:25 PM, the raiding team, along with the informer, kept surveillance near Haryana Nahar. At 5:30 PM, one boy, who was subsequently identified by the informer, attempted to flee on seeing the police. He was apprehended and disclosed his name as Avtar @ Golu (the Petitioner), aged about 25 years. On his personal search, INR 50,000/- was recovered, comprising one note of INR 2000/-, ninety-five notes of INR 500/-, one note of INR 200/-, and one note of INR 100/-. On interrogation, the Petitioner admitted that on 21st November, 2020, he had entered the Complainant's house on the pretext of flying pigeons and committed theft.



At his instance, the police team recovered a transparent polythene containing the stolen jewellery from his residence, which was identified by the complainant as his property. Based on the evidence recovered during investigation, a chargesheet was filed *qua* the Petitioner under Section 380 and 411 of IPC, and the matter is presently at the stage of trial.

3. The parties state that they have amicably reached a settlement and Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 9th August, 2024, was executed between the Petitioner and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes with the Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR and all proceedings emanating therefrom. Further, the settlement records that the Petitioner compensated Respondent No. 2 for the losses suffered.

5. In view of the settlement, the Complainant/Respondent No. 2, who has appeared before the Court in person and is identified by the Investigating Officer, has unequivocally stated that he does not wish to pursue the FIR proceedings any further. He confirms that his decision to settle the matter is voluntary and made without any undue influence or coercion. He further confirms receiving the compensation for the losses suffered. 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 Petitioner seeks quashing of the subject FIR and all



proceedings arising therefrom.

6. The Court has considered the submissions of the parties. Notably, the offence under Section 380 of IPC is non-compoundable, while the offence under Section 411 of IPC, is compoundable by the owner of the property stolen, with the permission of the Court.

7. 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]

8. 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

⁴ “MoU”

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 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]

9. Although the offence under Section 380 of 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.

10. The Complainant, who has appeared in person, has categorically expressed his 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 of BNSS (corresponding to Section 482 of CrPC) in order to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 635/2020 dated 22nd November, 2020, registered under Section 380 of IPC at P.S. Bharat Nagar, Delhi and all proceedings emanating therefrom are hereby quashed, subject to payment of costs of INR 5,000/- with the Delhi Police Welfare Fund, within a period of three weeks from today.

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

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

SANJEEV NARULA, J

AUGUST 13, 2025/as