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

+ CRL.M.C. 2045/2025, CRL.M.A. 9198-9199/2025

PREET SINGH @ LADDU & ANR.

.....Petitioners

Through: Ms. Rajshri Sharma and Ms. Shivani
Sharma, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with Mr. Rajeev Singh, ASI, PS-
Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 722/2023³ under Sections 308/341/34 of the Indian Penal Code, 1860⁴ registered at P.S. Nihal Vihar and all proceedings emanating therefrom. Subsequently, a chargesheet was filed against the Petitioners under the aforesaid provisions.

2. The impugned FIR has been registered pursuant to a complaint filed by Respondent No. 2, who alleged that on 25th May, 2023, he visited the residence of Petitioner No. 1, located in Gali No. 9, RZR Block, with the intention of resolving a dispute. Upon arrival, both Petitioners No. 1 and 2

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"



were present. An attempt to discuss the issue was made, however, the situation escalated, resulting in an argument that subsequently turned into a physical altercation. When the Complainant attempted to leave, Petitioner No. 1 allegedly blocked his path and forcefully held his hand, following which Petitioner No. 2 struck him on the head with an iron rod, causing bleeding. It is further alleged that they also assaulted the Complainant's son-in-law, who was accompanying him, and thereafter fled from the scene. Subsequently, when the Complainant's wife arrived at the spot, she called the police, and the Complainant was taken to the hospital for medical treatment.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioners and has decided not to pursue the present FIR against them. Pursuant to this settlement, a Settlement Deed dated 5th September, 2023, was executed between the Respondent No. 2 and the father of Petitioner No. 2 on behalf of the Petitioners. As per its terms, Petitioners agreed to pay a total sum of INR 2,50,000/- to Respondent No. 2 as compensation.

4. On 26th March, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar of this Court, wherein he affirmed that he had voluntarily, and without any pressure or coercion from any quarter, settled all disputes and differences with the Petitioners.

5. Respondent No. 2, who is present in person and duly identified by the Investigating Officer, reiterates that the decision to amicably resolve the matter was made of his own free will and without any undue influence. He

⁴ "IPC"



also confirms having received the full and final compensation from the Petitioners in accordance with the terms set out in the Settlement Deed. In view of the amicable resolution between the parties, the Petitioners pray for quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 308 of IPC is non-compoundable, Section 341 of IPC is compoundable by the person restrained.

7. It is well settled that in the exercise of its inherent powers under Section 482 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.**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 exercise in futility.”

[Emphasis supplied]

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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 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. From the aforesaid decisions, it is evident 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 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 482 of Cr.P.C to secure the ends of justice.

10. However, keeping in mind the fact that the chargesheet has been filed and State machinery has been put to motion, the ends of justice would be served if the Petitioners are put to cost.

11. In view of the foregoing, the present petition is allowed and the impugned FIR No. 722/2023 as well as all consequential proceedings arising therefrom are hereby quashed, subject to payment of cost of INR 20,000/- each which shall be deposited with the Delhi Police Welfare Fund, within a period of six 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

JULY 15, 2025

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