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

+ CRL.M.C. 3766/2025 & CRL.M.A. 22230/2025 (*for stay*)

ASHOK ALIAS ASHOK KUMAR AND ANRPetitioners

Through: Mr. Milind Gautam, Advocate with
Petitioners in person

versus

STATE (GOVT. OF N.C.T. OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Sonu Bhati, PS Pandav Nagar
Mr. Dalip Mishra, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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31.07.2025

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. 306/2019³ under Sections 354B, 509, 451, 323 and 34 of the Indian Penal Code, 1860⁴, registered at P.S. Pandav Nagar and all proceedings emanating therefrom. A chargesheet has also been filed in the present FIR.

2. Briefly, the case of the prosecution against the Petitioners is that a complaint made by Respondent No. 2 (the Complainant), alleging that on 2nd September, 2019, at about 9:00 p.m., when the Complainant was present at

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"



her residence, Ashok, her brother-in-law (Petitioner No. 1), along with his wife Monika (Petitioner No. 2), entered the house while hurling abuses. Monika allegedly caught hold of the Complainant's hands, while Ashok tore the collar of her T-shirt, pushed her to the floor, and assaulted her. On hearing her cries, the Complainant's son came out of the bathroom and, seeing her condition, attempted to hit Ashok with a stick; however, the stick accidentally struck Monika. Thereafter, Ashok allegedly assaulted her son as well. The Complainant further alleged that Ashok had previously appeared naked before her on two occasions. On the basis of the complaint and MLC, the impugned FIR was registered.

3. The parties state that, with the intervention of elder members of the family, Respondent No. 2 has amicably resolved the dispute with the Petitioners and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁵ dated 29th November, 2024, was executed between the Petitioners and the Respondents.

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 and differences with the Petitioners and has agreed to co-operate in respect of quashing of the impugned FIR.

5. Respondent No. 2, who is present in person and duly identified by the Investigating Officer ("IO"), confirms that she has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the Petitioners. She states that she has executed the MoU with the

⁴ "IPC"

⁵ "MoU"



Petitioners out of her own free will, does not wish to pursue the impugned FIR and has no objection if the same is quashed. An affidavit to this effect, on behalf of Respondent No. 2, is also on record. The Petitioners are also present in person and identified by the IO. In light of the amicable resolution, the parties seek quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence under Section 354B of IPC is non-compoundable, offences under Sections 323 and 451 are compoundable by the person so hurt and the person in possession of the house trespassed upon, respectively. Section 509 of IPC is compoundable by the woman whose modesty was intended to be insulted or whose privacy was intruded upon, with the permission of the Court. 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.**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

⁶ (2012) 10 SCC 303



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 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

⁷ (2014) 6 SCC 466



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, it is true that an offence under Section 354B of IPC cannot be treated as ‘*in personam*’, meaning it affects the society at large and not just the individual complainant, 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 528 of the BNSS to secure the ends of justice.

9. Since the State machinery has been put to motion and the fact that a chargesheet has been filed, ends of justice would be served if the Petitioners are put to cost.

10. In view of the foregoing, the present petition is allowed and the impugned FIR No. 306/2019 under Sections 354B, 509, 451, 323 and 34 of



IPC registered at P.S. Pandav Nagar and all proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 5,000/- each by the Petitioners to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned IO.

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

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

SANJEEV NARULA, J

JULY 31, 2025/ab