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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5669/2025 & CRL.M.A. 24259/2025**

SUBHASH@KAMAL@DOLCHI & ORS.Petitioners

Through: Mr. Rakesh Srivastava and Mr. Ketan
Marwah, Advocates with Petitioners
(in-Persons).

versus

STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for State.
SI Omkant, P.S. Hauz Qazi and SI
Sunil Kumar, P.S. Connaught Place.
Mr. Pulkit Jain, Ms. Alisha and Ms.
Malvika Raj, Advocates for R-2 with
R-2 (in-Person).

+ **CRL.M.C. 3730/2025 & CRL.M.A. 16377/2025**

RAJ RANI & ORS.Petitioners

Through: Mr. Pulkit Jain, Ms. Alisha and Ms.
Malvika Raj, Advocates with
Petitioners (in-Persons).

versus

STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for State.
SI Omkant, P.S. Hauz Qazi and SI
Sunil Kumar, P.S. Connaught Place.
Respondents No. 2 to 5 (in-Persons).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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18.08.2025

1. The present petitions filed under Section 528 of the Bharatiya Nagarik



Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seek quashing of two cross-FIRs, the details of which are as follows:

- (i) In CRL.M.C. 5669/2025 - FIR No. 71/2018 dated 17th June, 2018, under Sections 308/354/354(B)/323/34 of the Indian Penal Code, 1860³, registered at P.S. Hauz Qazi, Delhi against three accused, namely Subhash @Kamal @Dolchi, Ajay and Vijay; and
- (ii) In CRL.M.C. 3730/2025 - FIR No. 72/2018 dated 17th June, 2018, under Section 308/354/323/34 of IPC, registered at P.S. Hauz Qazi, Delhi, against four accused, namely Ms. 'R', Amit, Akash @Kale, and Ms. 'H'.

2. The FIR No. 71/2018 on the complaint of 'R' – who is an accused in FIR No. 72/2018; whereas, FIR No. 72/2018 was filed on a complaint made by Ms. 'P', a family member of the accused in the cross-FIR.

3. Briefly stated, the case of the Complainant – Ms. 'R' in FIR No. 71/2018 is that on 16th June, 2018, at around 10:00 PM, while she was standing outside her house, her neighbour Subhash approached her and started abusing and physically assaulting her. She alleges that he struck her with a broken bottle on her hand, causing injuries which resulted in bleeding. On hearing her cries, her daughters, Ms. 'H' and Ms. 'M', rushed out to help her. In the meantime, Subhash's sons, Ajay and Vijay, also joined the scuffle and assaulted Ms. 'R' and her daughters, causing them further physical injuries.

4. On the other hand, the case of the Complainant – Ms. 'P' in FIR No. 72/2018 is that Amit, a neighbour, routinely harassed her while she was

¹ "BNSS"

² "CrPC"



walking in the locality by passing unsavoury comments. On 16th June, 2018, at around 10:00 PM, when Ms. 'P' was on her way to her aunt's house after finishing her household work, Amit allegedly stopped her and grabbed her hand. She freed herself and went home, where she narrated the incident to her father, Subhash. Upon hearing this, Subhash went to confront Amit regarding his conduct. It is alleged that a scuffle ensued, during which Amit struck Subhash, and later Ms. 'P', with a broken bottle, causing injuries to their heads. Thereafter, Ms. 'P' called her brother for help. On seeing her brother arrive at the scene, Amit's brother Akash @ Kale also intervened and allegedly hurled abuses at him and struck him two or three times on the head with an iron rod. Meanwhile, Ms. 'R' (Amit's mother) and Ms. 'H' (Amit's sister) allegedly abused and assaulted Ms. 'P' with slaps and kicks.

5. In both FIRs, charge sheets have been filed under Sections 308, 354, 354B, 323, 509, 506, and 34 of IPC against the accused persons named in the FIR, and the matters are presently pending before the Trial Court. Now, Petitioners (accused persons) jointly submit that, during the pendency of the proceedings, they have amicably resolved all their disputes and differences. In this regard, they have executed a Memorandum of Understanding⁴/Settlement Deed dated 20th July, 2023.

6. As per the MoU, with the intervention of family members, relatives, and common friends, the parties have arrived at a settlement of their own volition, without any undue influence, pressure, or coercion. It is stated that the parties have known each other for a considerable period of time, they are neighbours and share cordial relations. Both sides have given their no-

³ "IPC"

⁴ "MoU"



objection to the quashing of the FIRs lodged against each other. A copy of the MoU/Settlement Deed has been duly placed on record.

7. In view of the settlement, the Complainants in both CRL.M.C. 5669/2025 and CRL.M.C. 3730/2025, who are present in Court and duly identified by the Investigating Officer, have unequivocally expressed their intent not to pursue the proceedings. They have voluntarily consented to the quashing of their respective FIRs. Affidavits filed on behalf of the Complainants in both cases, annexed with the petitions and perused by the Court, confirm that the parties, being neighbours, have settled all their disputes and differences and that the Complainants are no longer willing to pursue the matters any further.

8. During the course of proceedings, it is also noticed that the daughters of the Complainant Ms. 'R' in CRL.M.C. 5669/2025, namely Ms. 'H' and Ms. 'M', had also allegedly sustained injuries. They are present in person before the Court and have stated that they too do not wish to pursue the FIR and support the request for quashing. In such circumstances, counsel for the Petitioners in CRL.M.C. 5669/2025 has filed an amended memo of parties impleading Ms. 'H' and Ms. 'M' as parties to the proceedings. The same is taken on record.

9. The Court has considered the submissions of the parties. While the offences under Sections 308, 354 and 354B are non-compoundable in nature, the offences under Sections 323, 509 and 506 are compoundable. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (corresponding to 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 clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

10. 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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



either of the aforesaid two objectives.”

[Emphasis Supplied]

11. While it is true that offences under Sections 308, 354 and 354B 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.

12. Since the Complainants have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 528 of BNS (corresponding to Section 482 of CrPC).

13. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, each of the Petitioners in CRL.M.C. 5669/2025 and 3730/2025 are directed to deposit INR 5,000/- with the Delhi Police Welfare Fund, within a period of 4 weeks from today.



14. In view of the foregoing, the present petitions are allowed. Both FIR No. 71/2018 dated 17th June, 2018, under Sections 308/354/354(B)/323/34 of IPC registered at P.S. Hauz Qazi, Delhi, and FIR No. 72/2018 dated 17th June, 2018, under Section 308/354/323/34 of IPC, registered at P.S. Hauz Qazi, Delhi, are hereby quashed. Accordingly, all proceedings emanating from the above two FIRs also stand quashed.

15. The parties shall abide by the terms of settlement.

16. Accordingly, the petitions are disposed of.

17. Pending applications, if any, are disposed of as infructuous.

18. The date of 29th October, 2025 in CRL.M.C. 3730/2025, stands cancelled.

SANJEEV NARULA, J

AUGUST 18, 2025

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