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

+ **CRL.M.C. 5923/2025 & CRL.M.A. 25229/2025**

MD HAMID ALIAS AMIR AND ORS

.....Petitioners

Through: Mr. Pramod Kumar, Adv. with the
petitioners in person

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv. along with SI
Shruti Dubey, PS Nabi Karim
Ms. Simran Aggarwal, Adv. for R-2 with R-2 in
person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

13.11.2025

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1. This is a petition filed under Article 226 of the Constitution, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973) seeking quashing of FIR No. 142/2018 registered at Police Station Nabi Karim and consequential proceedings emanating therefrom. The said FIR was registered under Sections 363/366/376/120B of Indian Penal Code, 1860 (hereinafter "IPC") and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter "POCSO Act").

2. Briefly stated, as on date, the petitioner no. 1 and the prosecutrix got married and have two children, aged about 6 years and 4 years old.



3. The allegations in the FIR are as such that the complainant/respondent no. 2 reported that her 16-year-old niece at the time of incident, who used to supply flowers for work, had left home at around 7 AM on 18.04.2018 for Arakasha Road to deliver flowers but did not return, and that she suspected an unknown person had taken her away. It was stated that upon receiving this information, FIR No. 142/2018 was registered and the necessary proceedings were initiated.
4. The chargesheet in the present case has also been filed in 2019.
5. It has been submitted that the matter has been amicably settled between the respondent no. 2/complainant and the petitioners. The Settlement Deed dated 25.09.2024 is already on record. As per the terms of the Settlement, the petitioner no. 1 has promised to take care of the wife (prosecutrix) with utmost humility and shall not abandon her to any sort of cruelty.
6. It is submitted that the petitioner no. 1 and the prosecutrix are living happily and harmoniously with their children.
7. A request for quashing of the FIR has been made on account of the Settlement Deed dated 25.09.2024 *inter se* the parties. In view of the settlement, the present petition has been filed.
8. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.
9. Today, the complainant, who is present in Court states that he has no objection, if the FIR is quashed.
10. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab (2012) 10 SCC 303*** 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]

11. Further, in ***Narinder Singh v. State of Punjab (2014) 6 SCC 466***, the Hon’ble 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 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]

12. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

13. Accordingly, FIR No. 142/2018 under Sections 363/366/376/120B of the IPC and Section 6 of the POCSO Act, registered at Police Station Nabi Karim and all consequential proceedings emanating therefrom, are quashed *qua* the petitioners.

14. The petition stands disposed of along with the pending applications.

AJAY DIGPAUL, J

NOVEMBER 13, 2025

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