



2025:DHC:7248



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

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Date of decision: 21.08.2025

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CRL.M.C. 4715/2025

SURESH KUMAR

.....Petitioner

Through: Mr. Himanshu Sharma, Adv.

Petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

... Respondents

Through: Mr. Yudhvir Singh Chauhan,
APP for the State with SI Vinod
Kumar, PS Palam Village.

R-2 in person.

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT(ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 673/2024, dated 19.11.2024, registered at P.S Palam Village, Delhi under Section 309(6) BNS [394 IPC] and all proceedings emanating therefrom on the basis of settlement between the parties.

2. As per averments made in the FIR, on 18.11.2024 at around 3 PM, Umed Ali i.e. victim/father of respondent no. 2 was returning to his fruit cart from the washroom when the petitioner allegedly kicked him on his private part and robbed him by snatching Rs. 15,000-



2025:DHC:7248



20,000/-. The Respondent no.2 took his father/victim to Indira Gandhi Hospital, Dwarka- where the doctors referred him to Safdarjung Hospital. Consequently, FIR No. 673/2024 was lodged at instance of Respondent no. 2 against the petitioner.

3. During the course of proceedings, the parties amicably resolved their disputes with the intervention of common friends and well wishers and the terms of the compromise were reduced into writing in the form of a Memorandum of Understanding dated 13.05.2025. It is submitted that parties are well acquainted to each other since past 20-25 years and pursuant to the aforesaid settlement, parties have mutually agreed to end the dispute and cooperate in quashing the aforesaid FIR. A copy of the Memorandum of Understanding dated 13.05.2025 has been placed on record as Annexure B.

4. Parties are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Vinod Kumar, from PS Palam Village.

5. Respondent No. 2 submits that victim has passed away on 30.11.2024 and he does not wish to pursue the present dispute. A copy of the death certificate has been placed on record as Annexure C. He confirms that the matter has been amicably settled with the petitioner without any force, fear, coercion and he has willingly executed the MoU dated 13.05.2025 with the petitioner and has no objection if the FIR No. 673/2024 is quashed against the Petitioner.



6. Learned Additional PP appearing for the State, has strongly opposed the quashing of FIR No. 673/2024 stating that the offence committed by the petitioner is of a grave and serious nature punishable with imprisonment for life, or with RI upto 10 years alongwith fine. The act committed by the Petitioner is not a case of mere robbery, but also of voluntarily causing hurt which unfortunately resulted in the demise of the victim/father of the Respondent no.2. It is further submitted that even though the MoU may be executed with mutual consent, such grave act of the petitioner shall not warrant the relief of quashing by this Court. It is lastly contended that the petitioner is currently on bail since 22.11.2024.

7. In *Gian Singh vs State of Punjab*, (2012) 10 SCC 303, Hon'ble Supreme Court has recognized that settlement in serious offences has no legal sanction. It was observed as under:-

“48. A five-Judge Bench of the Punjab and Haryana High Court in Kulwinder Singh and others v. State of Punjab and another was called upon to determine, inter alia, the question whether the High Court has the power under Section 482 of the Code to quash the criminal proceedings or allow the compounding of the offences in the cases which have been specified as non-compoundable offences under the provisions of Section 320 of the Code. The five-Judge Bench referred to quite a few decisions of this Court including the decisions in Madhu Limaye, Bhajan Lal, L. Muniswamy, Simrikhia, B.S. Joshi and Ram Lal and framed the following guidelines:

“a. Cases arising from matrimonial discord, even if other offences are introduced for aggravation of the case.

b. Cases pertaining to property disputes between close relations, which are predominantly civil in nature and they have a genuine or belaboured dimension of criminal liability. Notwithstanding a touch of criminal liability, the settlement would bring lasting peace and harmony to larger number of people.



c. Cases of dispute between old partners or business concerns with dealings over a long period which are predominantly civil and are given or acquire a criminal dimension but the parties are essentially seeking a redressal of their financial or commercial claim.

d. Minor offences as under Section 279, IPC may be permitted to be compounded on the basis of legitimate settlement between the parties. Yet another offence which remains non-compoundable is Section 506 (II), IPC, which is punishable with 7 years imprisonment. It is the judicial experience that an offence under Section 506 IPC in most cases is based on the oral declaration with different shades of intention. Another set of offences, which ought to be liberally compounded, are Sections 147 and 148, IPC, more particularly where other offences are compoundable. It may be added here that the State of Madhya Pradesh vide M.P. Act No. 17 of 1999 (Section 3) has made Sections 506(II) IPC, 147 IPC and 148, IPC compoundable offences by amending the schedule under Section 320, Cr.P.C.

e. **The offences against human body other than murder and culpable homicide where the victim dies in the course of transaction would fall in the category where compounding may not be permitted. Heinous offences like highway robbery, dacoity or a case involving clear-cut allegations of rape should also fall in the prohibited category. Offences committed by Public Servants purporting to act in that capacity as also offences against public servant while the victims are acting in the discharge of their duty must remain non-compoundable. Offences against the State enshrined in Chapter-VII (relating to army, navy and air force) must remain non-compoundable.**

f. That as a broad guideline the offences against human body other than murder and culpable homicide may be permitted to be compounded when the court is in the position to record a finding that the settlement between the parties is voluntary and fair.....

58. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime doer only because he and the victim have settled the dispute amicably or that the victim has been paid



compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. **In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all.** However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.”

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***, (2014) 6 SCC 466, the Supreme Court laid down guidelines for High Courts for quashing the proceedings based on settlements. The relevant observations in the said decision read as under:

“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.”

9. Section 482 Cr.P.C. preserves the inherent powers of the High Court to quash FIRs or criminal proceedings in order to prevent abuse of the process of law and to secure the ends of justice. The Supreme Court in *R.P. Kapur v. State of Punjab*, AIR 1960 SC 866 and *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 sets limits to the High Court's power, emphasizing that it should be used sparingly and only in exceptional cases and laid down specific circumstances where FIR can be quashed. It was held that quashing is justified where allegations do not disclose an offence, are absurd or mala fide, or



where there exists a legal bar. In *Narinder Singh v. State of Punjab* (supra) it was clarified that quashing on the basis of compromise is permissible in private or matrimonial disputes, but not in heinous or serious offences such as murder, rape, dacoity, corruption, or offences having serious impact on society, where the Court cannot quash merely because parties have settled. Thus, the jurisdiction under Section 482 is extraordinary and must balance individual justice with societal interest.

10. In the present case, the victim was kicked on his private parts by the petitioner and was also robbed Rs. 15,000-20,000/-. The said incident took place on 18.11.2024 and the victim died on 30.11.2024. The link between the injuries caused and the cause of death is yet not known inasmuch as the investigation is still pending and the chargesheet has yet not been filed. The allegations are grave and serious in nature and the offence under section 309(6) BNS is punishable with imprisonment upto life or with RI of upto 10 years alongwith fine. The commission of such offences create deep impact on the society and allowing the quashing of such an offence would send wrong message. Merely because the parties are known to each other and have mutually executed a MoU does not *ipso facto* warrant the quashing of FIR. The rationale is that the Court must safeguard public interest and the rule of law, ensuring that serious offences are not trivialized by private settlements.



2025:DHC:7248



11. In view of the cumulative facts, I do not deem it fit to quash the abovementioned FIR and the proceedings pursuant thereto at this stage.

12. Petition is accordingly dismissed.

RAVINDER DUDEJA, J

August 21, 2025

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HIGH COURT OF DELHI



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