

# Anil Kumar vs State Through Sho & Anr on 19 March, 2025

**Author: Sanjeev Narula**

**Bench: Sanjeev Narula**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 766/2025  
ANIL KUMAR

STATE THROUGH SHO & ANR.

Through: Mr. Naresh Kumar,  
with R-2 in person  
Mr. Satinder Singh  
State with Ms. Pre  
Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

% 19.03.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> read with Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup> seeks quashing of FIR No. 278/2012 under Sections 448, 457, 506 and 34 of the Indian Penal Code, 1860<sup>3</sup>, registered at P.S. Shahbad Dairy and all proceedings emanating therefrom. In the said FIR, apart from the Petitioner, several other co-accused persons have been named, who have been arrayed herein as Respondents No. 3 to 14.

2. At the outset, it is noted that 3 of the co-accused persons in the subject "BNSS"

"Cr.P.C."

"IPC"

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 18/04/2025 at 21:19:57. FIR - arrayed as Respondents No. 4, 13 and 14 herein - have since deceased. This fact has been duly verified by the State in their status report. Thus, the criminal proceedings qua them stand abated.

3. Briefly, the case of the prosecution against the Petitioner and the co-accused persons is that on 16th August, 2012, at around 9PM, the Complainant (Respondent No. 2), who ran a school named Siva Model School for about 100 children from nursery to class five, from a room which was in her possession, locked up the property and went home. However, in the early hours of the morning on 17th August, 2012, at around 4 AM, she heard a commotion and came out of her house to discover that 2 of the accused persons were breaking the locks of the her school, while 3 others kicked on the door to break it down. Further, 2 other co-accused persons had painting material, with which they painted over the name of the school 'Shiva Model School' which was written in front of the house.

4. The Complainant further disclosed that after the front door was broken, 6 people, apart from the ones mentioned above, forcibly entered the property and vandalised the children's desks, cots and other items kept in the room. When the Complainant and her husband intervened and opposed the vandals, they threatened to kill them. Subsequently, once the vandals left, at around 7AM, the Complainant informed the police of the incident and based on her statement, the subject FIR was registered on the same day - i.e., 17th August, 2012 under Sections 448, 457, 506 and 34 of the IPC. After completion of investigation, a chargesheet was filed before the Trial Court against the 13 accused persons and charges were framed against them under Sections 457(Part I) and 34 of IPC.

5. Pertinently, during the course of proceedings before the Trial Court, This is a digitally signed order.

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6. In this regard, the Petitioner - Anil Kumar and Complainant - Respondent No. 2 entered into a Settlement Agreement dated 21st January, 2025, before the Delhi Mediation Centre, Rohini District Courts, Delhi to settle the matter only between the two without any monetary compensation. As per the terms of the settlement, the Petitioner undertakes not to interfere with the possession and operation of the Complainant's school, whereas the Complainant has undertaken to give her no objection to the quashing of the present FIR qua the Petitioner. A copy of the Settlement Agreement dated 21st January, 2025 has been placed on record and perused by the Court.

7. It must also be noted that during the course of proceedings, on the last date of hearing, Counsel for the Complainant expressed her wish to settle the matter with the other remaining co-accused and put a quietus on the dispute which has been ongoing for more than a decade. The Court had thus, directed the all other co-accused persons to be arrayed as parties to the present proceedings. Pursuant to such directions, all the other co-accused persons were arrayed as Respondents No. 3 to 14, out of which, as already mentioned, Respondents no. 4, 13 and 14 herein, have since deceased.

8. In view of the amicable settlement between the parties, the Complainant, who has appeared before the Court in person along with her counsel, has unequivocally stated that she does not wish to pursue the proceedings under the present FIR. She has further confirmed that her This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 18/04/2025 at 21:19:58 decision to settle the matter with all of the 10 remaining accused is voluntary and made without any undue influence or coercion. Additionally, the Petitioner as well as the other co-accused Respondents have also joined the proceedings, either through video conferencing or in person, respectively and all of them have been duly identified by the Investigating Officer. Thus, in light of the amicable resolution of the dispute between the parties, they seek quashing of the FIR and all proceedings arising therefrom.

9. The Court has considered the submissions of the parties. While the offence under Section 457 of IPC is non-compoundable, Section 34 IPC is compoundable in certain circumstances. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 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.* 4 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 an exercise in futility."

[Emphasis added] (2012) 10 SCC 303 This is a digitally signed order.

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10. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,<sup>5</sup> 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 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] (2014) 6 SCC 466 This is a digitally signed order.

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11. While it is true that the offence under Section 457 of IPC is not an offence in personam, meaning thereby that it affects society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable

settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainant has voluntarily settled the dispute with all of the accused persons, who are also her relatives and family member, and is unwilling to pursue the present 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 FIR 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 482 of CrPC.

12. In view of the foregoing, the present petition is allowed and FIR No. 278/2012 under Sections 448, 457, 506 and 34 of the IPC, registered at P.S. Shahbad Dairy and all proceedings emanating therefrom are hereby quashed.

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

14. Accordingly, the petition is disposed of along with pending applications.

SANJEEV NARULA, J MARCH 19, 2025/d. negi This is a digitally signed order.

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