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

CNR No. DLHC010299582026

+ **CRL.M.C. 4836/2026**

SACHIN KUMAR @ SACHIN KUMAR KHIWAL

.....Petitioners

Through: Mr. Counsel (*appearance not given*)
along with petitioner.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State.
Mr. Rahul Panwar, Advocates for and
along with respondent no.2
ASI Satish Kumar, SI Rahul, P.S.-
Tigri.

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CNR No. DLHC010329412026

+ **CRL.M.C. 5256/2026**

SH. SANJAY KUMAR SINGH & ORS.

.....Petitioners

Through: Mr. Rahul Panwar, Adv. alongwith
petitioners.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State.
ASI Dilbag Hussien, P.S.- Jamia.
Mr. Counsel (*appearance not given*)



for and along with respondents in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.08.2026

1. The relief prayed in CRL.M.C. 4836/2026 are as under:
“a) Quashed the FIR No. 287/2023, U/s 509 IPC, and 12 of POCSO Act P.S. Tigri, New Delhi, in view of the Memorandum of understanding /settlement dated 12.01.2026 whereby a settlement took place between the parties to the present petition.
”
2. The relief prayed in CRL.M.C. 5256/2026 are as under:
a) *Quashed the FIR No. 0160/2022, U/s 323/354/452/506/34 of the IPC, P.S. Tigri, New Delhi in view of the Memorandum of understanding/ settlement dated 12.01.2026 whereby a settlement took place between the parties qua the present petitioners only.”*
3. The FIR No. 287/2023 was registered by respondent no.2 in CRL.M.C. 4836/2026, whereas, FIR No. 0160/2022 came to be lodged by the wife of petitioner in CRL.M.C. 4836/2026, who is respondent no. 2 in CRL.M.C. 5256/2026.
4. The parties in both the afore-captioned petitions are present before the Court. They have been identified by the Investigating Officer of the case as well as by their respective counsel.
5. It is submitted by the parties that owing to some misunderstanding the aforesaid FIRs came to be lodged by the respective complainants. However, it is submitted that they have now settled the dispute by way of the memorandum of understanding dated 12.01.2026. The complainants in both the FIRs submit that they have made their statement voluntarily of their own accord and without any coercion or pressure.



6. On behalf of the State, there is no opposition in the quashing of the FIRs in question in view of the settlement arrived at between the parties.

7. Despite certain offences being classified as non-compoundable under the IPC, in exercise of powers conferred under Section 482 of the CrPC (Section 528 BNSS), High Courts have proceeded to quash such proceedings on account of a settlement between the parties. In ***Gian Singh v. State of Punjab***,¹ the Court recognized that such an approach serves the ends of justice by bringing the litigation to an end, preventing its needless continuation, and acknowledging that following the compromise, the likelihood of conviction has become remote and bleak.

8. The conditions and pre-requisites for compounding were elaborated in ***Narinder Singh v. State of Punjab***,² and the following were deemed necessary before quashing the proceedings on the basis of a settlement/compromise:

8.1 There should hardly be any likelihood of the offender being convicted, given the compromise that took place between the parties. Particularly, so in disputes that are predominantly civil in nature, for instance those arising from commercial transactions, matrimonial relationships, or family matters, a genuine compromise may render the possibility of conviction remote and bleak;

8.2 By not quashing the criminal proceedings, justice shall be the casualty and ends of justice shall be defeated. Where continuation of proceedings despite settlement is unfair, unjust, or an abuse of process, quashing may be allowed to secure the ends of justice; and

¹ (2012) 10 SCC 303.

² (2014) 6 SCC 466.



8.3 The timing of the compromise also becomes relevant, quashing may be considered at the investigation or early-trial stage, but is ordinarily declined once evidence is substantially complete or conviction has been recorded.

9. The aforesaid proposition was refined in ***Vijay Kumar Kela v. CBI***,³ to clarify that, ultimately, it is facts and circumstances of each case that determine the compoundability of proceedings and no straight-jacket formula can be prescribed. It was also noted that before exercising powers under Section 482 of the CrPC (Section 528 BNSS), the Court must have due regard to the nature and gravity of the crime.

10. However, the Court clarified that compounding on the basis of a purported settlement cannot take place where—***first***, heinous offences affecting the society at large are in question; and ***second***, a compromise between the parties cannot quash corruption or official duty offences.⁴

11. Specifically, it may also be noted that while the offence of rape is ordinarily non-compoundable.⁵ However, in cases where marriage has subsequently taken place and the parties are residing together quashment on the basis of a settlement has been allowed. The principle adopted for such a quashment is that the same is required in the interest of justice and to do complete justice;⁶ and such an exercise is undertaken where despite the seriousness of the offence, the facts do not disclose such elements of public

³ 2026 SCC OnLine SC 1003.

⁴ (2012) 10 SCC 303.

⁵ *Ibid.*

⁶ *Sandeep Singh Thakur v. State of M.P.*, 2025 SCC OnLine SC 2927, para. 16.



interest or heinous criminality, as to necessitate the continuation of criminal proceedings.⁷

12. Further, where proceedings for the offence of rape along with allegations under the Prevention of Children from Sexual Offences Act, 2012 (“**POCSO**”) are sought to be quashed. Courts have allowed quashment for instance where the parties have married and a child has also been born. The underlying rationale to justify such a quashment is that if the FIR is not quashed, it will adversely affect the minor child who needs protection and care from his parents, and destroy the lives of three individuals, the couple and the new born.⁸

13. Weightage is also given to circumstance where no criminal intent is involved in the act and it not a case where there was a forceful physical relationship with the minor child on the date of incident.⁹ The overarching concern of the Courts have always remained that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice.¹⁰

14. Similarly, the offence of attempt to murder is ordinarily non-compoundable. The Supreme Court¹¹ has cautioned that the High Court should not reject the plea of compounding the offence mechanically and must take note that the mere mention of Section 307 IPC in the FIR or framing of the charge is not conclusive. It remains open to the Court to

⁷ *Mr. Vishal & Ors v. The State Of Nct of Delhi*, CRL.M.C. 2584/2026 & CRL.M.A. 10512/2026.

⁸ *Harmeet Singh v. State of NCT of Delhi*, 2026:DHC:3142, *Mr. Sujit Kumar v. State (Govt. of NCT of Delhi)*, CRL.M.C. 7406/2024, CRL.M.A. 28277/2024 & CRL.M.A. 28278/2024.

⁹ *Moeed Ahamad v. State (NCT of Delhi)*, 2024 SCC OnLine Del 8119, para 16

¹⁰ *Ibid.*, para 17.



consider if the said provision has been added for the sake of it or there is “*sufficient evidence*” to frame charge under this provision. Considering the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc., in certain circumstances, quashing of even such a offence, is permissible. However, such an exercise by the HC would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial.

15. Further, dacoity and robbery are ordinarily non-compoundable. However, the Court while taking into consideration the facts of the case, the compromise arrived at between the parties, and considering the affidavits by each one of the petitioners by way of joint application, may in appropriate cases, exercise its inherent jurisdiction to quash the criminal proceedings arising from such offences¹² and may also reduced the sentence imposed while maintaining the conviction.¹³

16. For the offence of cheating and forgery where the dispute is predominantly civil, investigation is pending for a long time, and where the complainant, including a bank, has been satisfied that the claims have been satisfied due to compromise on receiving payments, the Court has also considered the settlement while exercising its jurisdiction to bring the criminal proceedings to an end.¹⁴ Notably, in such cases, the factum of the possibility of conviction being remote and bleak owing to the settlement,

¹¹ *State of M.P. v. Laxmi Narayan*, (2019) 5 SCC 688, para 15.4.

¹² *Aftab Khan v. State (NCT of Delhi) & Anr.*, CrI.M.C. 4814/2015

¹³ *Unnikrishnan v. State of Kerala*, (2018) 15 SCC 343.

¹⁴ *CBI v. Duncans Agro Industries Ltd.*, (1996) 5 SCC 591 and *Nikhil Merchant v. CBI*, (2008) 9 SCC 677.



also becomes a material factor, while considering the question of quashment.

17. In view of the aforesaid, bearing in mind the nature of the dispute and the principles laid down by the Supreme Court in the aforesaid decisions, FIR No. 287/2023 for the offence punishable under Sections 509 of the IPC and 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and FIR No. 0160/2022, for the offence punishable under Sections 323/354/452/506/34 of the IPC both registered at police Station Tigri, Delhi, stands quashed along with all proceedings emanating therefrom.

18. The petition stands disposed of. Pending applications also stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 17, 2026

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