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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 24th July, 2026*

+ CRL.M.C. 5192/2026 & CRL.M.A. 21785/2026
GAYA PRASAD ALIAS KALU

.....Petitioner

Through: Mr. Mandeep Kumar Sharma,
Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Kailash.
Mr. Navdeep Jain and Dr. Khushboo
Natholia, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein seeks quashing of FIR No. 0256/2025 dated 14.07.2025, registered at Police Station R.K. Puram, Delhi, for commission of offence under Section 109(1) of *Bharatiya Nyaya Sanhita (BNS)*, 2023 (corresponding Section 307 IPC), along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. As per prosecution's story, Mr. Rahul Chauhan (respondent No.2 herein) had come to Sector-8 R.K. Puram market on 13.07.2025. He was accompanied by his two relatives and a friend. They parked their vehicle near auto-mechanic shop. The auto-mechanic i.e. petitioner herein asked them to park the car at some other place which resulted in argument and confrontation. The bike mechanic became furious and took out a bottle



containing petrol from his shop and threw it on the wind-shield of the abovesaid car which also resulted in burn injuries to Mr. Chauhan. He was immediately rushed to AIIMS, Centre and on the basis of his own statement, FIR in question was registered.

3. Charges have already been ascertained and the case is at the stage of *Prosecution Evidence*.

4. The complainant has already been examined.

5. Such complainant i.e. respondent No.2-Rahul Chauhan is present in Court alongwith his counsel. IO is also present and duly identifies him.

6. When asked, respondent No.2 submitted that the matter has been amicably settled and the abovesaid FIR had, in fact, been registered on account of some misunderstanding. He states that there was no such incident as mentioned in the FIR. He claims that when he had alighted from the car, one 'tasla' (metal container) was lying on the ground which was containing *inflammable material* like petrol etc., which got spilled over him and since he was smoking a cigarette, he got burnt and sustained injuries in question. He submits that the petitioner has no complicity in the matter, while supplementing that when FIR was registered, he was in severe pain due to burn injuries and he did not know as to what had been recorded therein. He also states that he has entered into settlement, out of his own free will, without any coercion and influence from any corner whatsoever and therefore, he would have '*no objection*' if FIR in question is quashed.

7. Copy of *Memorandum of Understanding* (MoU) dated 13.07.2026 is on record and respondent No.2 admits his signatures over the same.

8. More importantly, the testimony of complainant has already been recorded by the learned Trial Court on 10.07.2026. Quite evidently, he has not



made any allegation against accused/petitioner and even before the learned Trial Court, during the recording of his such testimony, he submitted that his leg got entangled with ‘*tasla*’ lying on the road and the burn injuries were resultant of spillage of petrol over him. He was duly cross-examined by the prosecution with the permission of the Court and was confronted with his various statements but he, in no uncertain terms, denied such prosecution story and claimed that accused had neither thrown any petrol over him nor at the wind screen of their car. He reiterated that it was on account of his own collision and entangling with the abovesaid ‘*tasla*’ that he suffered burn injuries.

9. It is apprised that the petitioner-accused continues to be in incarceration.

10. Learned counsel for the petitioner submits that the petitioner had sought bail by moving an application on 11.07.2026 after the abovesaid testimony of the complainant but the learned Trial Court refused to grant him bail.

11. Wife, sister and son of petitioner are present in the Court.

12. MoU has been perused and the settlement is, without any kind of consideration, and as already noticed above, the injured has, categorically, denied the complicity of the petitioner and reiterates that he suffered burn injuries on account of the fact that he, accidentally, collided with ‘*tasla*’ lying on the road which was containing inflammable substance.

13. Reference be made to the following observations made in *Antonnette Promilla Fernanadez v. State NCT of Delhi and Another* 2026 SCC OnLine Del 809:-

“15. It is now well settled that, even in the case of



non-compoundable offences, the High Court may exercise inherent powers, recognised by Section 482 of the CrPC and Section 528 of the BNSS, to quash proceedings based on a compromise between the parties. However, the aforesaid power is discretionary, and certain principles have been laid down, which guide the Court in adjudicating an application of this nature.

16. The judgment of the Supreme Court in *Gian Singh v. State of Punjab* referred to several earlier judgments, including some concerning Section 307 of the IPC, and summarised the law as follows:

*“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. **Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.** However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. **But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their***



entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

17. Three later judgments of the Supreme Court specifically deal with proceedings under Section 307 of the IPC:

a. In *Narinder Singh v. State of Punjab*, after referring to the judgment in *Gian Singh*, and various judgments dealing with Section 307, the Court distilled the following legal principles:

“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.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in



respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”



b. In State of Madhya Pradesh v. Laxmi Narayan, the same principles have been reiterated.

c. In the recent judgment in Naushey Ali v. State of Uttar Pradesh, these principles were applied to set aside a prosecution under Section 307.

18. Applying these principles to the facts of the present case, upon an overall consideration of the facts and circumstances of the case, I am of the view that it would be appropriate to exercise the inherent powers of this Court to quash the proceedings.”

14. There are 24 witnesses in the charge-sheet and the entire case is, quite clearly, dependent on the testimony of the injured and in view of the hostile testimony of the injured, even, otherwise, there are bleak chances of the case resulting in conviction

15. The affidavit of respondent No.2, giving his ‘no objection’ to the quashing of FIR in question, has also been placed on record and reliance is placed on *Gian Singh v. State of Punjab & Anr.* (2012) 10 SCC 303.

16. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose. Even otherwise, the complainant has not stated anything against the petitioner. Reference be made to *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466, wherein the Apex Court had observed that proceedings, even in non-compoundable cases, can be quashed on the basis of settlement provided that the Court is satisfied that there was no meaningful purpose in continuing with the proceedings, and that the scope of conviction was remote and bleak.

17. Keeping in mind the aforesaid, the proceedings deserve to be quashed in exercise of the inherent powers of the Court.

18. Consequently, to secure the ends of justice, FIR No. 0256/2025 dated 14.07.2025, registered at Police Station R.K. Puram, Delhi, for commission



of offence under Section 109(1) of *Bharatiya Nyaya Sanhita (BNS)*, 2023 (corresponding Section 307 IPC), along with all consequential proceedings arising therefrom, quashed. Original *MoU* and original affidavits of *pairokar* of petitioner (his wife) and respondent No.2, copies of which have been filed with the present petition, shall be submitted before the learned Trial Court on or before the next date of hearing so that these become part of Trial Court Record.

19. The petition stands disposed of in aforesaid terms.

20. Needless to say, since FIR is quashed, the petitioner be released from jail, if not required in any other case.

21. Pending applications also stand disposed of.

22. A copy of this order be given *dasti* under the signatures of Court Master.

23. A copy of this order be sent to the learned Trial Court as well as Jail Superintendent for information and compliance.

(MANOJ JAIN)
JUDGE

JULY 24, 2026/ss/sa