



2026:DHC:9194



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12th October, 2026**# **CNR No. DLHC010419632026**+ **CRL.M.C. 6589/2026 & CRL.M.A. 27565/2026****RAM LAL**

.....Petitioner

Through: **Mr. Raghuraj Singh, Advocate.**

versus

STATE GOVT OF NCT OF DELHI & ANR. RespondentsThrough: **Mr. Sunil Kumar Gautam, APP for the State.**

(M): 9871349009

Email: sunil.skgautam@gmail.com

Respondent no. 2 in person.

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR") being *FIR No. 577/2024* dated 12th September, 2024, registered at Police Station ("PS") Dabri, Dwarka, Delhi, under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), on the ground of settlement.

2. A Chargesheet has been filed by the concerned Investigating Officer ("IO") in respect of the aforesaid FIR before the Trial Court.



3. Issue notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) appearing for the State, i.e., respondent no. 1, as well as by respondent no. 2.
4. The petitioner and respondent no. 2 are present before this Court, and are duly identified by their respective counsels as well as the IO, who is also present before this Court.
5. With the consent of the parties, the matter is taken up for final disposal.
6. The relevant facts for adjudication of the captioned petition, as culled out from the material on record, are as under:
 - 6.1. The complainant, i.e., respondent no. 2, has alleged that on 11th September, 2024, while crossing a common area after using the shared toilet, his neighbour, i.e., the petitioner, became angry and started to quarrel with him.
 - 6.2. Subsequently, the petitioner went to his room and returned with a vegetable cutting knife, with which he attempted to attack respondent no. 2, striking him near the stomach.
 - 6.3. During the altercation, respondent no. 2 fell down, after which the petitioner stabbed him near the lower part of the chest.
 - 6.4. The wife of respondent no. 2 then took respondent no. 2 to the Indira Gandhi Hospital for treatment.
 - 6.5. The Medico Legal Case (“MLC”) Record revealed that respondent no. 2 had sustained incised wounds on the left lower chest region, a stab wound on the left lower chest, and a stab wound on the left upper quadrant of the abdomen. The concerned doctor opined that the nature of the injuries was “grievous”.



6.6. During the investigation, a blood-stained vegetable cutting knife, allegedly used in the commission of the offence, was also seized from the house of the petitioner at his instance.

7. Learned counsel appearing for the petitioner submits that the petitioner has settled the matter with respondent no. 2, by executing a Memorandum of Understanding (“MoU”) dated 30th September, 2026, wherein respondent no. 2 has agreed to cooperate in the quashing of the present FIR.

8. However, learned APP appearing for the State draws the attention of this Court to the FIR lodged in the present case.

9. This Court notes that the present FIR has been lodged under Section 109(1) of the BNS, which pertains to the offence of attempt to murder.

10. It is well settled that High Courts may exercise their inherent powers under Section 528 of the BNSS, corresponding to Section 482 of the CrPC, to quash criminal proceedings, even with respect to non-compoundable offences, on the ground that the accused and the complainant have arrived at a settlement or compromise, and particularly when no overarching public interest is adversely affected by quashing the same. However, the Supreme Court has expressed caution when exercising such powers in cases involving allegations of serious or heinous offences.

11. In this regard, reliance is placed upon the case of ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, wherein the Supreme Court distinguished between offences having a predominantly civil nature and serious offences for the purposes of quashing on the basis of settlement, emphasising that Courts must have regard to the nature and gravity of the crime. The relevant portions of the judgment are reproduced below:



“xxx xxx xxx

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the 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 wrongdoing that seriously endangers and threatens the well-being of the 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 the 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 the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the 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 the victim and the offender and the 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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the 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.

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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 predominately 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.

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(Emphasis Supplied)

12. Further, in ***State of Madhya Pradesh Versus Laxmi Narayan and Others, (2019) 5 SCC 688***, the Supreme Court categorically held that offences under Section 307 of the Indian Penal Code, 1860 (“IPC”), corresponding to Section 109(1) of the BNS, are to be treated as crimes against society, and set out the factors for determining whether proceedings involving such offences may be quashed. The relevant observations are as under:

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15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. 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 framing 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. However, such an exercise by the High Court 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. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

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(Emphasis Supplied)

13. It is also noted that a Coordinate Bench of this Court, in the case of *Mukhtiyaar Ali and Others Versus State NCT Delhi and Others, 2021 SCC OnLine Del 4428*, has declined to quash an FIR for an offence under Section 307 of the IPC after consideration of the factors in *Laxmi Narayan (supra)*, in the following terms:

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12. Considering the parameters laid down by the larger Bench of the Supreme Court, the High Court while exercising its jurisdiction under Section 482 Cr.P.C has held that an offence under Section 307 IPC will fall under the category of heinous offence, and therefore, has to be treated as a crime against the society and not against the individual alone and the proceedings under Section 307 IPC cannot be quashed only on the ground that the parties have resolved the entire disputes amongst themselves. **The parameters laid down in State of M.P. v. Laxmi Narayan (supra) state that the powers conferred on the High Court under Section 482 Cr.P.C can be exercised keeping in mind the injuries sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used etc.**

13. **Considering the law laid down by the Supreme Court in State of M.P. v. Laxmi Narayan (supra) it can be seen that this is not an ordinary fight between the neighbours, the petitioners have to thank themselves that they are not facing trial in a case of murder because in ordinary circumstances the injuries inflicted by the petitioners were sufficient to cause death.** As stated in the MLC, the victim had to undergo multiple blood transfusions on 03.08.2021 and 04.08.2021. The victim had to undergo surgery and had to be kept in surgical ICU on. The MLC further reveals that the victim had suffered two stab wounds of size 5 cm × 1 cm on the left side of the midline and of size 4 cm × 1 cm on the right side of the midline, perforations were found on the bowel walls of the petitioner. It is further revealed that about 500 ml blood was found in the abdominal cavity. There were multiple tears in the bowel line and diffusion ooze was present in the bowel lining and two drains had to be placed in the abdominal cavity.

14. **The victim has been attacked with a dangerous weapon i.e. a knife. As stated above, injuries are such which would have caused death in the ordinary circumstances. Applying the principles laid down by the Supreme Court in State of M.P. v. Laxmi Narayan (supra), this Court is not inclined to quash the FIR solely on the ground that the parties have entered into a compromise.**

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(Emphasis Supplied)

14. Similarly, in the case of ***Rahul and Others Versus State of NCT of***



Delhi and Others, 2024 SCC OnLine Del 1894, a Coordinate Bench of this Court refused to quash an FIR registered under Sections 307/324/34 of the IPC on the ground of settlement due to the serious nature of the injuries and the repeated infliction of the injuries with a knife. The relevant paragraphs of the judgment are as follows:

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*10. In the instant case, there are specific allegations against the petitioners of hitting the complainant with a danda, attacking him with a knife which hit the complainant’s head, kicking him and also, injuring the hand of Vijay/Injured with a knife. **The allegations against the petitioners are serious in nature as they have inflicted repeated injuries on the injured persons using a knife.***

*11. The petitioners have attacked the injured persons while they were attending a marriage ceremony, moreover, it is clear from the facts of the case that there was no provocation whatsoever by the injured persons and the petitioners without any rhyme or reason attacked them with a danda and also, inflicted injuries with a knife on complainant’s head and on hand of the other injured. **Perusal of the records of the case shows that Section 307 IPC was not added merely for the sake of it but keeping in view the seriousness and gravity of the offence committed by the petitioners.***

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(Emphasis Supplied)

15. In view of the principles elucidated in the aforementioned judgments, this Court notes that the allegations in the present case concern an attack by the petitioner on respondent no. 2, who sustained three stab wounds caused by a vegetable cutting knife. As per the Medico Legal Case (“MLC”) record, the nature of injury inflicted upon the respondent no. 2 was grievous in nature. As per the discharge summary from Safdarjung Hospital, the respondent no. 2 had to undergo emergency surgery and remained admitted



in hospital for six days. There were penetrating injuries in his abdomen and chest.

16. Pertinently, the weapon allegedly used for committing the offence, i.e., the vegetable cutting knife, was recovered at the instance of the petitioner.

17. As regards the trial proceedings, a Chargesheet has already been filed by the IO and the trial proceedings are underway, currently at the stage of prosecution evidence. The learned APP has informed this Court that of the thirteen witnesses, two have been examined, namely, respondent no. 2 and a police witness.

18. This Court further takes note of the statement made by learned APP appearing for the State, on instructions from the IO, that the injuries inflicted on respondent no. 2 were grievous, on account of which the case of attempt to murder has been registered against the petitioner.

19. Thus, Section 109(1) of the BNS has not been invoked merely for the sake of it, but on the basis of sufficient material collected by the prosecution to support the charge under the said Section.

20. The serious nature of the weapon used, i.e., a vegetable cutting knife, the repeated stab wounds, the consequent grievous injuries suffered by respondent no. 2, and the recovery of the weapon at the instance of the petitioner himself, collectively indicate that the alleged offence has significant implications for the well-being of society.

21. In addition, this Court expresses concern that in view of the serious allegations against the petitioner, quashing the present FIR merely because the petitioner and respondent no. 2 have settled the dispute amicably, may pose a threat to public safety.



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22. Accordingly, considering the nature and gravity of the charge levied against the petitioner, as well as the grievous injury to respondent no. 2, this Court does not find the present case to be fit for quashing *FIR No. 577/2024* dated 12th September, 2024, registered at PS Dabri, Dwarka, Delhi, under Section 109(1) of the BNS, on account of compromise.
23. The present petition is dismissed and disposed of, in the aforesaid terms.
24. The pending application also stands disposed of.
25. The proceedings before the Trial Court shall proceed further.

MINI PUSHKARNA, J

OCTOBER 12, 2026

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