



2026:DHC:8507



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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**Date of Decision: 29.09.2026**

# CNR No. DLHC010470122026

+ **CRL.M.C. 7327/2026 and Crl.M.A 30657/2026**

BHUMIK &amp; ORS.

.....Petitioners

Through: Mr. Atul Sharma and Mr. Deepak  
Yadav, Advs. (through v/c)

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State  
along with Mohd. Naved and Mr.  
Mayank Choudhary, Advs.SI Sandeep, PS Prasad Nagar and  
Inspector Ranvir Singh, P S Okhala  
Industrial Area.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") seeks quashing of FIR No. 293/2020, dated 16.11.2020, registered at PS Prasad Nagar, District Central, under Sections 452/307/34 of the Indian Penal Code, 1860 on the basis of the Memorandum of Understanding (MOU) dated 25.08.2026. The copy of the MOU has been attached as Annexure-C to the application.
2. It is alleged in the FIR that after an earlier altercation, the accused came to the complainant's home with a knife. Subsequently, the complainant was restrained and repeatedly attacked with a knife.
3. The charge-sheet dated 16.11.2020 records serious injuries. It also



identifies an eyewitness and attributes direct roles to the petitioner. The relevant portion of the charge-sheet is as under:

*“Which Doctor on MLC brought Patient to emergency, Alleged H/O Assault to Chest and Abdomen by Unknown Person, sharp object as told by patient himself on 15/11/20 around 11:50 Pm at home and Injuries 1. CLW on Lt. side chest approx. Size. 5X0.5 CM. 2. CLW in epigastric regions 2x0.5CM. 3. CLW on Above umbilical regions 2x1x4 to 5 CM deep, Nature of injuries opinion reserved and Patient was declared Fit for statement.” (emphasis supplied)*

4. The complainant’s affidavit supports the settlement and states that he does not wish to pursue the prosecution.
5. The Court has considered the stand of the complainant.
6. While discussing the inherent power of the High Court to quash non-compoundable offences under section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”), the Supreme Court in ***Gian Singh v. State of Punjab (2012) 10 SCC 303*** makes the following observations:

*“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.” (emphasis supplied)

7. Further, the Supreme Court in ***State of M.P. v. Laxmi Narayan***, (2019) 5 SCC 688 quoted the following observations made in ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466:

**“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.” (emphasis supplied)

8. The Court has accordingly considered the alleged acts and the collective material at hand. Given the nature of the offence and the injuries inflicted on the Complainant, the present matter cannot be treated *at par* with a private dispute which can be settled between the parties.
9. Having considered the matter, and the legal position, as set out



aforesaid, there are two primary reasons which impel this Court to reject the present petition. Firstly, the trial is at the fag-end (as informed by the learned APP) and is likely to be concluded soon. The dicta in ***Laxmi Narayan (Supra)*** would therefore clearly apply.

10. Secondly, the wider interest in bringing to justice perpetrators of serious violence outweighs the request to end the proceedings on a private settlement. This can be noted against the observation of the Supreme Court in ***Narinder Singh (Supra)***:

*“16. What follows from the discussion behind the purpose of sentencing is that if a particular crime is to be treated as crime against the society and/or heinous crime, then the deterrence theory as a rationale for punishing the offender becomes more relevant, to be applied in such cases. Therefore, in respect of such offences which are treated against the society, it becomes the duty of the State to punish the offender. **Thus, even when there is a settlement between the offender and the victim, their will would not prevail as in such cases the matter is in public domain. Society demands that the individual offender should be punished in order to deter other effectively as it amounts to greatest good of the greatest number of persons in a society. It is in this context that we have to understand the scheme/philosophy behind Section 307 of the Code.**”*

(emphasis supplied)

11. It is also worth quoting ***Daxaben v. State of Gujarat, (2022) 16 SCC 117***, wherein the Supreme Court, while ruling on a quashing petition on compromise in the matter of suicide, made the following remarks:

*“37. However, before exercising its power under Section 482CrPC to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. **Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim.** Crimes like **murder,***



rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. **In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.**

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39. In criminal jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. **The State has a duty to ensure that law and order is maintained in society. It is for the State to prosecute offenders.** In case of grave and serious non-compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. **An informant has no right in law to withdraw the complaint of a non-compoundable offence of a grave, serious and/or heinous nature, which impacts society.**

(emphasis supplied)

12. The apex Court in ***Arun Singh v. State of U.P.***, (2020) 3 SCC 736 also made an observation, reiterating the need of the society to prosecute the offenders charged with allegations of serious nature:

“15. Bearing in mind the above principles which have been laid down, we are of the view that offences for which the appellants have been charged are in fact offences against society and not private in nature. **Such offences have serious impact upon society and continuance of trial of such cases is founded on the overriding effect of public interests in punishing persons for such serious offences.** It is neither an offence arising out of commercial, financial, mercantile, partnership or such similar transactions or has any element of civil dispute thus it stands on a distinct footing. **In such cases, settlement even if arrived at between the complainant and the accused, the same cannot constitute a valid ground to quash the FIR or the charge-sheet.**”

(emphasis supplied)

13. Furthermore, a three-judge bench of the Supreme Court in ***Parbatbhai Aahir v. State of Gujarat***, (2017) 9 SCC 641, while formulating the general



guidelines for the Courts dealing with the question of quashing of FIR on compromise, also passed a similar ruling:

*“16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**”*

(emphasis supplied)

14. This Court in *Aman Gupta v. State Govt. of NCT of Delhi*, 2025:DHC:10626, also noted:

*“5. In the considered view of this Court, offences of the nature alleged particularly those involving sexual offences involving children cannot be nullified merely on the basis of settlements between the parties. **Such offences, in the true sense, cannot be regarded as offences in personam and the same constitutes a crime against the society at large. Offences of such nature cannot be extinguished only at the convenience of the parties** or because the victim, at a subsequent stage, decides to marry the culprit. Any such compromise or marriage does not ipso facto efface the gravity of the offence or wipe out the seriousness of the allegations.”*

(emphasis supplied)

15. In the circumstances, this Court is not inclined to entertain the present petition.

16. The same is accordingly dismissed. Pending application also stands disposed of.

**SACHIN DATTA, J**

**SEPTEMBER 29, 2026/cl/vk**