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

+ CRL.A. 30/2016 and CRL.M.A. 7150/2016

SATISH KUMAR

.....Appellant

Through: Mr.Amit gupta and Mr.Vivek Kumar,
Advocates

versus

STATE

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with
Ms.Yusra, Advocate with SI Shyam

+ CRL.A. 126/2016

REENA

.....Appellant

Through: Mr.Amit gupta and Mr.Vivek Kumar,
Advocates

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Ms.Shubhi Gupta, APP for State with
Ms.Yusra, Advocate with SI Shyam

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.12.2025

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1. The present appeals have been preferred to assail and set aside the impugned judgment of conviction dated 24.11.2015 and the order on sentence dated 30.11.2015, whereby both appellants were convicted for the offences punishable under Sections 307/120-B/201/203/34 IPC. Appellant Satish was sentenced to undergo Rigorous Imprisonment for a period of 7 years along with fine of Rs. 10,000/- under section 307 IPC, in default



whereof he was directed to undergo simple imprisonment for 1 month, under section 120 B IPC, he was directed to undergo 5 years of rigorous imprisonment. Appellant Reena was sentenced to undergo Rigorous Imprisonment for a period of 5 years along with fine of Rs.5,000/- under section 307 IPC, in default whereof she was directed to undergo simple imprisonment for 15 days, under section 120B IPC, she was directed to undergo rigorous imprisonment for 5 years. For the offence under section 201 IPC she is directed to undergo imprisonment for a period of 2 years, with a fine for Rs. 2,000/- in default thereof, simple imprisonment for 7 days. For the offence under section 203 IPC, she is sentenced to undergo imprisonment for a period of 1 year, with a fine of Rs. 5,00/- in default thereof, simple imprisonment for 3 days. All the sentences were directed to run concurrently and benefit of 428 Cr.P.C. was given to both the appellants.

2. The sentences of the appellants were suspended by this Court of appellant Reena on 12.02.2016, and of appellant Satish on 09.03.2016.

3. Learned counsel for the appellants submits that the present matter arises out of a domestic and matrimonial discord between appellant Reena and the injured/victim, Om Prakash (respondent No.2 herein), who are husband and wife. It is submitted that the incident occurred in the backdrop of personal differences within the family, all of which now stand resolved. Counsel further submits that the parties have resumed cohabitation, are living together, and have children as well. Respondent No.2 has filed an affidavit stating that he has no objection to the compounding/disposing of the FIR or the conviction, and does not wish the criminal proceedings to continue.



4. The complainant/victim is present in person and affirms to the factum of arriving at a settlement with the appellants and submits that he has no objection in case the offence is compounded.

5. Pertinently, the offences involved in the present matter, including Section 307 IPC, are non-compoundable under Section 320 Cr.P.C. The power of High Court under Section 482 Cr.P.C. to quash proceedings in matters wherein non-compoundable offences are involved is well recognized. The Supreme Court in B.S. Joshi v. State of Haryana¹ observed that Section 320 Cr.P.C. does not limit or control the powers vested in High Court under Section 482 Cr.P.C., and that the High Court is empowered to quash criminal proceedings/FIR, even if non-compoundable offences are involved. The said view has been reiterated by the Supreme Court in Nikhil Merchant v. CBI & Anr.², Manoj Sharma v. State & Ors.³ and Shiji @ Pappu & Ors. v. Radhika & Anr.⁴

6. In Gian Singh v. State of Punjab & Anr.⁵, the Supreme Court drew a distinction between compounding of offences under Section 320 Cr.P.C. and quashing of proceedings under Section 482 Cr.P.C., holding that the latter may be exercised to prevent abuse of process of Court or to secure the ends of justice even in non-compoundable offences, but the nature and gravity of the crime must be kept in mind.

7. Accordingly, while examining the permissibility of quashing proceedings involving an allegation under Section 307 IPC, reference must

¹ (2003) 4 SCC 675

² (2008) 9 SCC 677

³ (2008) 16 SCC 1

⁴ (2011) 10 SCC 705

⁵ (2012) 10 SCC 303



be made to the principles laid down by the Supreme Court in Narinder Singh & Ors. v. State of Punjab & Anr.⁶, wherein the Court carved out the circumstances in which offences of such nature may still be considered for quashing on the basis of settlement. It was observed as follows:

“13. The question is as to whether an offence under Section 307 IPC falls within the aforesaid parameters. The first limb of this question is to reflect on the nature of the offence. The charge against the accused in such cases is that he had attempted to take the life of another person (victim). On this touchstone, should we treat it as a crime of serious nature so as to fall in the category of heinous crime, is the poser. Finding an answer to this question becomes imperative as the philosophy and jurisprudence of sentencing is based thereupon. If it is heinous crime of serious nature then it has to be treated as a crime against the society and not against the individual alone. Then it becomes the solemn duty of the State to punish the crime-doer. Even if there is a settlement/compromise between the perpetrator of crime and the victim, that is of no consequence.

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

⁶ (2014) 6 SCC 466



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."

8. Further, in Kapil Gupta v. State (NCT of Delhi) & Anr⁷, the Supreme Court reaffirmed the principles laid down in Narinder Singh & Ors. v. State of Punjab & Anr.(supra) While dealing with a case where the High Court had declined to quash an FIR under Section 376 IPC despite a settlement between the parties, the Supreme Court reiterated that the parameters set out in aforementioned judgement continue to guide the exercise of inherent powers under Section 482 Cr.P.C.

9. What emerges from the discussion undertaken above is that although offences under Section 307 IPC is serious, the High Court is not completely

⁷ (2022) 15 SCC 44



divested of its inherent power to quash proceedings. In appropriate cases, where the injuries are not of a nature reflecting extreme depravity, where the occurrence is dated, where the complainant has voluntarily resolved the matter, quashing is permissible to secure the ends of justice.

10. In the present case, FIR No.154/2010 was registered in 2010. The occurrence is more than fifteen years old. The complainant/injured Om Prakash, has categorically stated before this Court that he has settled the matter with both appellants of his own free will and it is noted that the appellant Reena is the wife of the complainant Om Prakash and both are residing happily alongwith their children. He has sworn an affidavit to that effect and expresses no desire to pursue the matter further.

11. Having regard to the totality of circumstances, including the time that has lapsed since the incident has occurred, the nature of injuries, the voluntary and unequivocal settlement and the complainant's stand, the present appeals are accordingly, allowed. FIR No.154/2010 registered at P.S. Hari Nagar, Delhi and all proceedings emanating therefrom, including the judgment of conviction dated 24.11.2015 and order on sentence dated 30.11.2015 passed against both appellants for the offences punishable under Sections 307/120-B/201/203 IPC, are hereby quashed.

12. The bail bonds furnished by the appellants stand cancelled and the sureties are discharged. Pending applications, if any, also stand disposed of.

MANOJ KUMAR OHRI, J

DECEMBER 5, 2025

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