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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 824/2025 & CRL.M.A. 3907/2025**
AMIT KUMAR & ORS.Petitioners

Through: Mr. C.S. Rathour, Ms. Pragati Sharma
and Ms. Neetu Gaur, Advocates with
Petitioners (in-Persons).

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Mukesh Kumar, APP for State.
SI Mohan Lal, P.S. Alipur.
Ms. Inderjeet Singh Sidhu
(DHCLSC), Advocate for R-2 with
R-2 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.08.2025**

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR No. 34/2021 registered under Sections 498A, 406 and 34 of the Indian Penal Code, 1860,¹ at P.S. Alipur. The relief is sought on the basis of a settlement recorded between the parties on 3rd June, 2024 by way of a Memorandum of Undertaking/Settlement Deed.

2. The Court has perused the FIR, which contains serious and grave allegations. The chargesheet in the present case has also been implicating the accused for the offences under Sections 498A, 406, 377, 406, 376, 34, 376D and 109 of IPC.

3. It is well settled that the power of quashing criminal proceedings

¹ "IPC"



should not ordinarily be exercised in cases involving heinous and serious offences. Crimes of a heinous and serious nature, marked by moral depravity, such as murder, rape, and dacoity, cannot be quashed simply because the victim or their family has reached a settlement with the accused. These offences are public in character and carry significant societal consequences. In ***Gian Singh vs State Of Punjab***², the Court held as follows:

*“57. 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 F.I.R may be exercised where the offender and 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 serious impact on society.** Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 pre-dominatingly civil flavour stand on 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*

² 2012 (10) SCC 303



wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

4. Considering the above, the Court is not inclined to quash the FIR.
5. Dismissed along with pending application.

SANJEEV NARULA, J

AUGUST 8, 2025

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