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

+ **CRL.M.C. 4315/2025 & CRL.M.A. 18814/2025**

MADHAV SHARMA AND ANR.Petitioners

Through: Mr. Chirag Madan & Mr.
Ishit Tyagi, Advs. along
with petitioners.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Rashi
Mr. Abhishek Sharma, Mr.
A.K. Kashyap, Mr. Brijesh
Kumar & Mr. Neel Kumar
Sharma, Advs. along with
R-2.

+ **W.P.(CRL) 1993/2025 & CRL.M.A. 18673/2025**

UMESH SINGH BASHERA AND ANRPetitioners

Through: Mr. Abhishek Sharma, Mr.
A.K. Kashyap, Mr. Brijesh
Kumar & Mr. Neel Kumar
Sharma, Advs. along with
petitioners.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjay Lao, SC (Crl.)
with Mr. Abhinav Kr.
Arya & Mr. Aryan
Sachdeva, Advs.
SI Rashi.
Mr. Chirag Madan & Mr.
Ishit Tyagi, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.07.2025

1. The present petitions are filed for quashing of FIR No. 633/2024 for offences under Sections 74/ 115/ 333/ 291/ 3(5) of the Bharatiya Nyaya Sanhita, 2003 ('BNS'), and also FIR No.

CRL.M.C. 4315/2025 & W.P.(CRL) 1993/2025

Page 1 of 8



634/2024 for offences under Sections 74/ 115/ 333 of the BNS, both dated 08.10.2024, registered at Police Station Burari respectively.

2. It is alleged in FIR No.633/2024 that the accused persons (the petitioners in CRL.M.C. 4315/2025) had forcefully entered the house of the complainant and misbehaved with her. It is also alleged that the accused persons had brought their dog along with them with them and it had bitten the complainant's husband. Chargesheet has been filed against Petitioner No.1 for the offences under Sections 74/ 76/ 115(2)/ 117(2)/ 332(C)/ 324/ 291/ 351 (2)(3)/ 3(5) of the BNS. Petitioner No.2 has been charge sheeted for the offences under Sections 115(2)/ 117(2)/ 332(C)/ 324/ 291/ 351(2)(3)/ 3(5) of the BNS.

3. It is alleged in FIR No. 634/2024 that the accused persons [the petitioners in W.P.(CRL) 1993/2025] had forcibly entered the house of the complainant. When the complainant's husband tried to stop the accused persons, he was beaten up and his leg was also fractured. It is further alleged that the complainant and her son also sustained injuries in the incident. Chargesheet has been filed against Petitioner No.1 for the offences under Sections 74/ 115(2)/ 332(C)/ 351 (2)(3)/ 3(5) of the BNS. Petitioner No.2 has been charge sheeted for the offences under Sections 115(2)/ 332(C)/ 351(2)(3)/ 3(5) of the BNS.

4. The learned counsel for the parties submits that the parties are neighbours and the altercations took place due to some misunderstanding. He submits that the parties have since resolved their dispute and undertaken to not indulge in such activities in the future.

5. The present petitions are filed on the ground that the parties have amicably settled all their disputes and buried their
CRL.M.C. 4315/2025 & W.P.(CRL) 1993/2025

Page 2 of 8



differences by way of Settlement Deed dated 04.06.2025, without any coercion or pressure, with the intervention of respectable members of the society.

6. The parties are present in Court and have been duly identified by the Investigating Officer.

7. On being asked, the victims in the respective cases submit that they do not have any remaining grievance against each other and they do not wish to pursue the proceedings arising out of the present FIRs. They further submit that they have no objection if the same are quashed.

8. Offences under Sections under Sections 115(2)/117(2)/332(C)/351(2)/351(3) of the BNS are compoundable, whereas offences under Sections under Sections 74/76/324/291 of the BNS are non-compoundable.

9. It is well settled that the High Courts while exercising powers under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (erstwhile Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for the High Courts while accepting settlements and quashing the proceedings. In **Narinder Singh & Ors. V. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Apex Court had observed as under:-

"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.”

(emphasis supplied)

10. Similarly, in **Parbatbhai Aahir & Ors v. State of Gujarat & Anr. reported as (2017) 9 SCC 641**, the Hon’ble Apex Court has observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:



16.1. Section 482 preserve the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

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.**

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.



16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

11. It is stated that the altercations took place due to petty misunderstandings between the parties. While the allegations relate to serious offences, the victims have stated that they have no remaining grievance against the accused persons and they have no objection if the respective FIRs are quashed. In the peculiar circumstances of this case, it is unlikely that the cases will result in conviction when the victims do not wish to pursue the proceedings. The parties are stated to be neighbours and continuation of proceedings will only cause ill will to fester between the parties.

12. Keeping in view the fact that the parties are neighbours, the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am



of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

13. However, keeping in mind the fact that chargesheets have already been filed in both cases, and the State machinery has been put to motion, ends of justice would be served if the parties are put to cost.

14. In view of the above, FIR No. 633/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of total cost of ₹25,000/- by the petitioners (that is, ₹12,500/- by each petitioner), to be deposited with Friendicoes SECA within a period of four weeks.

15. Similarly, FIR No. 634/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of total cost of ₹25,000/- by the petitioners (that is, ₹12,500/- by each petitioner), to be deposited with Delhi Police Welfare Fund within a period of four weeks.

16. It is stated that the dog of the petitioners (in CRL.M.C. 4315/2025) is of a breed which is not permissible to be kept as a pet.

17. This Court considers it apposite to direct Friendicoes SECA to examine the dog of the petitioners (in CRL.M.C. 4315/2025) and ascertain its breed. Report thereof be submitted to the concerned SHO. If it is found that it is prohibited to keep such dog as pet, appropriate steps are directed to be taken in accordance with law.

18. Proof of payment of costs be furnished to the concerned SHO.

19. Let a copy of the order be communicated to Friendicoes SECA.

20. The present petitions, along with the pending applications, CRL.M.C. 4315/2025 & W.P.(CRL) 1993/2025

Page 7 of 8



are disposed of in the aforesaid terms.

21. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

JULY 11, 2025/“SK”