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

+ CRL.A. 947/2017

IMRAN & ANR

.....Appellant

Through: Mr. Vijay Kingar, Mr. Hemant Kumar,
Ms. Roopa Nagpal and Mr. Ashwani
Gehlot, Advocates along the appellant

versus

THE STATE THE GOVT OF NCT OF DELHIRespondent

Through: Mr. Pradeep Gahalot, APP for State with
SI Sachin, PS Khajuri Khas

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.12.2025

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1. The present appeal has been preferred by the appellant assailing the judgment of conviction dated 18.09.2017 and the order on sentence dated 25.09.2017, whereby the learned Sessions Court convicted the appellant/*Salman* and sentenced him to undergo simple imprisonment for a period of three months and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo simple imprisonment for fifteen days under section 323 IPC. The convict *Bilkish* was sentenced to imprisonment till the rising of the Court and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo simple imprisonment for one day under section 323 IPC. The convict *Imran* was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.20,000/-, and in default of payment of fine, to further undergo simple imprisonment for two months under section



308 IPC.

Vide order dated 26.09.2025, the appeal *qua* appellant/*Salman* stood abated as his death was verified.

2. The learned Trial Court rendered the impugned judgment in the backdrop of a complaint lodged by *Mohd. Ayub*, father of *Aasma*. *Aasma* was married to *Salman*, who is the son of *Bilkish*. The complainant alleged that the in-laws of *Aasma* were harassing and ill-treating her, pursuant to which a complaint was also lodged before the CAW Cell. It was further alleged that on 16.01.2015, at about 4:30 PM, the complainant had gone to the matrimonial home of *Aasma* upon her calling him. *Aasma* complained that her husband, *Salman*, was beating her. When the complainant reached the spot along with his relative *Sadik*, accused *Salman* stopped him and the co-accused *Imran* allegedly hit him on the head with an iron pipe-like object. It was further alleged that *Salman* also gave kick and fist blows. On the basis of these allegations, the present FIR came to be registered under Sections 308/34 IPC.

3. The complainant was medically examined and, upon completion of investigation, charge was framed to which the accused pleaded not guilty and claimed trial. During the trial, the complainant *Mohd. Ayub* was examined as PW-3. He deposed that on receiving a phone call on 16.01.2015, he went to the house of his daughter along with his brother-in-law *Sadik*. He stated that *Salman* gave him fist and kick blows, while *Imran* hit him on the head with an iron pipe. He further deposed that the accused persons were arrested on the following day and that the iron pipe was recovered at their instance. He also identified his kurta, which was seized by the IO. In his testimony, he reiterated



the version given by him during the course of investigation.

4. *Mohd. Sadik*, examined as PW5, supported the testimony of *Mohd. Ayub*. PW-4 *Aasma* also deposed on similar lines and supported the prosecution version. A cross FIR bearing No. 66/2015, Police Station Khajuri Khas, was also registered at the instance of the present appellants. During the pendency of the proceedings, the parties were referred to the Delhi Mediation Centre, Karkardooma Courts, in the said cross-case, where they entered into a settlement resolving all disputes between them. The copy of the settlement agreement, along with the affidavit of the complainant *Mohd. Ayub*, has been placed on record. The settlement arrived at in the cross FIR was intended to settle all disputes between the parties arising out of the incident in question.

5. The complainant is the distant uncle of the appellant and they have reached a settlement copy of which has been placed on record. In the cross FIR where the deceased appellant/*Salman* was the complainant, the parties have reached an amicable settlement before the Delhi Mediation Center in the said cross FIR. The FIR stands compounded vide order dated 02.02.2024, copy of which has been placed on record.

6. The complainant/injured is present in Court and, being a distant uncle of the appellant/*Imran*, does not wish to pursue the case, having already forgiven the appellant.

7. The appellant as well as the complainant are identified by the I.O and have also handed over their respective gate-passes.

8. Learned APP for the State submits that, the factum of settlement between the parties has been duly verified and that all the injured persons have



supported the compromise.

9. In Gian Singh v. State of Punjab &Anr.¹, 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.

10. Accordingly, while examining the permissibility of quashing proceedings involving an allegation under Section 307 IPC, reference must be made to the principles laid down by the Supreme Court in Narinder Singh &Ors. v. State of Punjab &Anr.², 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.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466



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 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.”

11. Further, in Kapil Gupta v. State (NCT of Delhi) &Anr³, 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.

12. The decision in Ramgopal v. State of M.P.⁴, is of pivotal importance as it

³ (2022) 15 SCC 44

⁴ (2022) 14 SCC 531



expands and consolidates the jurisprudence governing the exercise of inherent powers under Section 482 Cr.P.C., particularly in cases involving post-conviction settlements. The judgment provides a structured and principled framework for balancing private compromise with societal interest, thereby guiding High Courts in determining when quashing of non-compoundable offences would truly serve the ends of justice. Relevant paragraphs are as stated below:

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482CrPC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High



Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice...

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14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a “settlement” through duress, threats, social boycotts, bribes or other dubious means. It is well said that “let no guilty man escape, if it can be avoided”.

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19. We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1. Nature and effect of the offence on the conscience of the society;

19.2. Seriousness of the injury, if any;

19.3 Voluntary nature of compromise between the accused and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

13. What emerges from the discussion undertaken above is that although



offences under Section 308 IPC are serious in nature, the High Court is not divested of its inherent power to quash proceedings. In appropriate cases, where the dispute arises out of a personal or neighbourhood altercation, the injuries do not reflect extreme depravity, and the complainant has voluntarily resolved the matter quashing of proceedings may be permissible to secure the ends of justice.

14. Applying the aforesaid principles of the case, this Court notes that the incident arose out of a matrimonial dispute between the families. The parties have chosen to restore peace and cordial relations and have settled their disputes, including settling the Cross FIR.

15. In view of the above, this Court is satisfied that the present case is a fit one for the exercise of its inherent powers under Section 482 of the Cr.P.C.

16. Accordingly, FIR No. 62/2015 registered at Police Station Khajuri Khas, along with all proceedings emanating therefrom, including the judgment of conviction dated 18.09.2017 and the order on sentence dated 25.09.2017 passed by the learned Trial Court, are hereby quashed.

17. Their bail bonds, stand cancelled and the sureties are discharged.

18. The appeal is disposed of accordingly.

MANOJ KUMAR OHRI, J

DECEMBER 22, 2025

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