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

+ **CRL.M.C. 118/2026**

RAJESH & ORS.

.....Petitioners

Through: Mr. Amardeep Singh, Mr.
Davinder Hora and Ms. Monika,
Advocates.

versus

**THE STATE GOVT. OF NCT
OF DELHI AND ANR.**

.....Respondents

Through: Mr. Hitesh Vali, APP for State
with SI Ajay, ASI Johrilal, PS
Prasad Nagar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.02.2026**

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), seeking quashing of FIR No. 132/2025 dated 07.03.2025, registered at Police Station Prasad Nagar, District Central, New Delhi, under Section 124(1) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] (corresponding to Section 326A of the Indian Penal Code, 1860), on the ground of settlement.
2. Pursuant to the orders dated 07.01.2026 and 09.02.2026, Mr. Hitesh Vali, learned Additional Public Prosecutor, has handed over a status report in Court, which is taken on record.
3. The allegations, as emerging from the impugned FIR, are that, on 06.03.2025, a Police Control Room call was received with regard to an



acid attack on the caller [respondent No. 2]. She was taken to Lady Hardinge Medical College, New Delhi, for treatment, and her statement was recorded to the effect that an altercation took place between petitioner No. 1 and her husband, who are neighbours. Petitioner No. 1 has been alleged to have threatened respondent No. 2 with an acid attack, and thereafter thrown an acidic substance from the terrace of his house into the window of respondent No. 2's house.

4. It is stated in the status report that, in the course of investigation, the statement of respondent No. 2 was recorded under Section 183 of the BNSS [corresponding to Section 164 of the CrPC], and she reiterated the aforesaid allegation. It was also stated therein that petitioner Nos. 2 and 3 had instigated petitioner No. 1 into committing the alleged offence.

5. The ground upon which quashing is sought is that, the parties have entered into a Memorandum of Understanding dated 27.11.2025, under which the petitioners and the victim [respondent No. 2 herein] have agreed that the criminal proceedings be quashed upon payment of an amount of Rs. 3,00,000/- by the petitioners to respondent No. 2.

6. I have heard Mr. Amardeep Singh, learned counsel for the petitioners, and Mr. Vali, learned Additional Public Prosecutor.

7. Mr. Singh submits that the parties are neighbours, and that the Courts have consistently held that criminal proceedings arising out of neighbourhood quarrels should be set at rest, upon a compromise having been achieved. He submits that continuation of proceedings would lead to continued disharmony, and would not be to the benefit of any of the parties.

8. Mr. Vali, on the other hand, opposes the quashing of the present



proceedings, having regard to the nature of the offence and the seriousness of the charges against the petitioners. He also draws my attention to the Medico-Legal Certificate of respondent No. 2, in which the injuries have been characterised as grievous.

9. Having heard learned counsel for the parties, I am of the view that, even though the allegation arises out of a neighbourhood quarrel, the impugned FIR is not liable to be quashed on the basis of the settlement. The Supreme Court has considered the jurisdiction of the High Court to quash criminal proceedings in respect of non-compoundable offences in several judgments. In *Gian Singh v. State of Punjab and Anr.*¹, and *Narinder Singh and Ors. v. State of Punjab and Anr.*², an exception has been carved out in the case of heinous offences which implicate public interest and cannot be regarded as merely private grievances. The Supreme Court, in *Gian Singh*, has held as follows:

*“61. 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 FIR may be exercised where the offender and the 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***

¹ (2012) 10 SCC 303 [hereinafter, “*Gian Singh*”].

² (2014) 6 SCC 466 [hereinafter, “*Narinder Singh*”].



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

[Emphasis supplied.]

The aforesaid observations were reiterated by the Supreme Court in *Narinder Singh* as follows:

“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.

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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.

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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.]

10. In *State of Madhya Pradesh v. Laxmi Narayan*³ also, a three-Judge Bench of the Supreme Court explained the position thus:

“15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved 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;”

[Emphasis supplied.]

11. Applying these principles to the facts of the present case, I find that the allegations are serious in nature. Petitioner No. 1 is alleged to have thrown acid on respondent No. 2, while she was in the safety of her own home. The Medico-Legal Certificate of respondent No. 2, which has been placed on record with the status report, shows that she reported the incident when she was taken to the hospital, and was found to have pain and a burning sensation over the left side of her face and body, and had burn marks. As noted above, her injuries were characterised as grievous.



The status report also contains details of the Forensic Science Laboratory report, which shows that samples of the liquid allegedly thrown by petitioner No. 1 have also been found to contain Hydrochloric Acid. While no straitjacket formula can be devised in such cases. I am of the view that a case of acid attack represents the sort of heinous criminality, in which the Supreme Court proscribes quashing on settlement. These are offences which do affect society at large, as indicated by the fact that a separate offence has been incorporated in the statute.

12. In the facts and circumstances narrated above, I am of the view that it would not be appropriate to exercise the inherent jurisdiction of this Court to quash the criminal proceedings, in the present case.

13. The petition is, therefore, dismissed.

14. Needless to say, the present order is intended only for disposal of the present petition, and not to prejudice the case of the parties before the learned Trial Court.

PRATEEK JALAN, J

FEBRUARY 10, 2026

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³ (2019) 5 SCC 688.