



\$~96

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

+ **CRL.M.C. 473/2026**

M D ASIF AND ORS

.....Petitioners

Through: Mr. Salman Hashmi, Ms. Zeeshan Hashmi, Ms. Sana Hashmi, Mr. Sheezan Hashmi and Mr. Kamran Khan, Advocates alongwith Petitioners in Person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP.
Mr. Uzair Khan, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.03.2026**

CRL.M.A. 7978/2026 (for early hearing)

By way of this application, the applicants – petitioners seek early hearing of the captioned petition, which is next scheduled to be listed 25.04.2026.

For the reasons stated therein, and with the consent of learned counsel for the parties, the application is allowed. The petition is taken up for hearing.

The application stands disposed of.

CRL.M.C. 473/2026

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. 177/2021 dated 07.05.2021, registered at Police



Station Dayal Pur, District North-East, New Delhi, under Sections 307/34 of the Indian Penal Code, 1860 [“IPC”], and consequential proceedings emanating therefrom, on the ground of settlement.

2. Notice was issued in the captioned petition *vide* order dated 19.01.2026.

3. The allegations, as emerging from the impugned FIR, are that on 06.05.2021, at around 7:30 PM, when the complainant had gone to a mosque in New Mustafabad to offer prayers, he was intimidated by the accused persons [petitioners herein], who stated that the complainant’s brother had verbally abused them. They thereafter held him, and petitioner No. 2 stabbed the complainant in the underarm and threatened to kill him. The complainant started screaming, at which point the accused persons fled the spot. Thereafter, the complainant was taken to the Trauma Centre, Civil Lines, by his brother.

4. Upon completion of the investigation, a chargesheet was filed. A copy of the Medico-Legal Certificate dated 06.05.2021, issued by Loknayak Hospital, New Delhi, has been placed on record, which indicates that the injuries sustained were grievous.

5. During the pendency of the proceedings, with the intervention of family members and well-wishers, the parties amicably resolved their disputes, and the petitioners paid respondent No. 2 – complainant a sum of Rs. 2,50,000/- as compensation.

6. In view of the aforesaid, the parties seek quashing of the impugned FIR.

7. The parties are present before the Court, and have been duly identified by the Investigating Officer as well as by their respective



learned counsel.

8. While it is well settled that, even in cases involving non-compoundable offences, the High Court may invoke its inherent jurisdiction, as recognised under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], to quash criminal proceedings on the basis of a compromise arrived at between the parties, the exercise of such jurisdiction remains discretionary. In this regard, certain guiding principles have been evolved to assist the Court in the adjudication of applications of this nature.

9. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.*¹, which held as follows:

*“58. Where the High Court quashes a criminal proceeding having regard to the fact that the **dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.** No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, **where the wrong is basically to the victim and***

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



the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”²

10. Subsequently, three judgments of the Supreme Court have specifically dealt with proceedings arising out of offences punishable under Section 307 of the IPC:

- a. In *Narinder Singh and Ors. v. State of Punjab and Anr.*³, after examining the decision in *Gian Singh* and several other decision concerning Section 307 of the IPC, the Supreme Court held as follows:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466.



(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.

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.”⁴

- b. In *State of Madhya Pradesh v. Laxmi Narayan and Ors.*⁵, a three-Judge Bench of the Supreme Court reaffirmed the principles governing the exercise of inherent powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS]. While setting aside an order quashing proceedings against the accused for offences punishable under Sections 307 and 34 of the IPC, the Court observed that the High Court ought to have scrutinised the entire conspectus of facts, including the medical evidence, the

⁴ Emphasis supplied.



nature of the dispute, the nature of weapons used, as well as the conduct of the accused, rather than relying solely upon a compromise between the complainant and the accused.

c. More recently, in *Naushey Ali and Ors. v. State of Uttar Pradesh and Anr.*⁶, the Supreme Court applied the aforesaid principles to quash a prosecution under Section 307 of the IPC. Having regard to the overall circumstances of the case, including the nature of the weapons used [lathi and iron bars] and the injuries sustained, the Court observed that, at the highest, the offence alleged would fall under Section 326 of the IPC. Pertinently, the police had also filed a closure report in the said case.

11. Mr. Salman Hashmi, learned counsel for the petitioners, has placed reliance upon a judgment of the Supreme Court in *Ramgopal and Anr. v. State of Madhya Pradesh*⁷, wherein the Court, exercising its powers under Article 142 of the Constitution, quashed the criminal proceedings in relation to Sections 294/323/326/34 of the IPC, read with Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the ground of settlement. It may be noted that, while doing so, the Court cautioned against the quashing of proceedings involving grave and heinous offences on the ground of settlement, emphasizing that such decisions must turn on the facts and circumstances of each case.

12. Having regard to the aforesaid principles, I am of the view that this is not a case where the inherent powers of this Court ought to be exercised to quash the proceedings on the basis of a compromise between

⁵ (2019) 5 SCC 688.

⁶ (2025) 4 SCC 78, paragraphs 28 to 33.



the parties. The Medico-Legal Certificate records that the complainant suffered grievous injuries, which were inflicted by stabbing. The complainant is also stated to have remained hospitalised for a period of 12 days. The chargesheet records that, after the commission of the offence, the accused persons were absconding, and non-bailable warrants were issued against them. Further, the weapon of offence, namely a 'छुरी', has been recovered at the instance of petitioner No. 2, which lends *prima facie* support to the prosecution case.

13. In these circumstances, it is not possible to hold that the inclusion of Section 307 of the IPC is merely ornamental. On the contrary, the nature of the weapon used, the manner of its use, and the gravity of the injuries *prima facie* disclose an offence of a serious nature. Accordingly, the criminal process having been set in motion, I do not deem it a fit case for quashing the proceedings solely on the basis of a compromise.

14. The petition is, therefore, dismissed.

15. Needless to say, the observations in the present order will not affect the rights and contentions of the parties in the pending criminal proceedings.

16. The date of hearing already fixed, i.e. 25.04.2026, stands cancelled.

PRATEEK JALAN, J

MARCH 17, 2026

'pv/KA'/'

⁷ Criminal Appeal No. 1489 of 2012, decided on 29.09.2021.