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

+ **CRL.M.C. 505/2026 & CRL.M.A. 2047/2026**

NIKHIL CHAPRANA

.....Petitioner

Through: Mr. Brijesh Sharma and Mr. Pankaj
Pareek, Advocates

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
with Ms. Pragati Gupta, Advocate
alongwith W/SI Devrani, P.S.-
Badarpur
Mr. Amit Saxena and Mr. Abhijeet
Soni, Advocates for R-2 alongwith R-
2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

21.01.2026

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1. The petitioner has filed the present 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. 409/2019 dated 16.11.2019, registered at Police Station Badarpur, for the offences punishable under Sections 323/341/354/34 of the Indian Penal Code, 1860 ["IPC"], and all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Amit Saxena, learned counsel, accepts notice on behalf of respondent No. 2.



3. The petition is taken up for hearing with the consent of learned counsel for the parties.
4. Mr. Brijesh Sharma, learned counsel for the petitioner, submits that the petitioner and respondent No. 2 are neighbours. There was a disagreement between the parties, as a result of which, the FIR was registered on 16.11.2019, at the instance of respondent No. 2, levelling allegations under Sections 323/341/354/34 of the IPC against the petitioner and his brother.
5. A chargesheet was filed in which the petitioner was charged for the offences punishable under Sections 323/325/341/354/354B/506/509/34 of the IPC. Whereas, his brother was charged for the offences punishable under Sections 323/325/341/506/509/34 IPC.
6. The petitioner has also instituted a complaint bearing CC No. 1389/2020 against the respondent No.2 and her brother which remains pending before the concerned Court in Saket.
7. The parties have since resolved their disputes, and settled the matter. To this effect, a statement of respondent No. 2 has been recorded by the Mahila Court on 08.04.2025, in which she has affirmed that she has settled the disputes voluntarily with the accused persons, and has no objection to compounding of the compoundable offences.
8. As far as the petitioner's brother is concerned, all the offences have been compounded and he has accordingly been acquitted. In so far as the present petitioner is concerned, after the compounding of offences, only the offences under Sections 354 and 354B IPC, which are non-compoundable, remain, leading to the filing of the present petition.
9. I have heard learned counsel for the parties. The parties are present in



Court and are identified by their learned counsel and the Investigating Officer [“IO”].

10. Although, the offences under Sections 354/354B IPC are non-compoundable, the Supreme Court has consistently held that, in appropriate cases, the High Courts, in exercise of their inherent powers under Section 528 of BNSS (corresponding to Section 482 CrPC), may quash criminal proceedings even in respect of non-compoundable offences, where the dispute has been amicably settled between the parties and no overriding public interest is adversely affected.

11. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has 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 the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been

¹ (2012) 10 SCC 303.



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

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*, the Supreme Court laid down guiding principles for the exercise of inherent powers while considering quashing of criminal proceedings on the basis of settlement. The relevant observations read 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

² Emphasis supplied.



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.”³

12. The present case arises out of a dispute between neighbours. The parties have since resolved their differences amicably. Mr. Saxena states, upon instructions, that the said FIR was lodged due to a misunderstanding in the wake of a dispute about their pet dogs, and the parties would like to continue to reside in the same locality in harmony. Applying the tests laid down by the Supreme Court, it is evident that respondent No. 2 has categorically affirmed before this Court that the settlement is voluntary and without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would amount to a mere formality, leading to unnecessary prolongation of litigation and avoidable consumption of judicial time and public resources. The voluntary nature of the settlement and the fact that all other offences have already been compounded, also makes the possibility of a conviction remote.

³ Emphasis supplied.



13. In view of the foregoing discussion, the petition is allowed, and FIR No. 409/2019 dated 16.11.2019, registered at Police Station Badarpur, for the offences punishable under Sections 323/341/354/34 of the IPC, and all consequential proceedings arising therefrom, are hereby quashed.

14. The parties shall remain bound by the terms of the settlement.

15. The petition alongwith pending application, is disposed of in the above terms.

PRATEEK JALAN, J

JANUARY 21, 2026

Dy/AD/