



\$~101

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2412/2026**

AMARJEET SINGH SARNA
@ LUCKY SARNA AND ANR

.....Petitioner

Through: Mr. Anup Kr. Das, Mr. Narender
Dhir, Ms. Prachi Sharma & Ms.
Ishita Singh, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
SI Naresh Kr. Sharma & SI Mange
Ram Sharma, PS Shahdara.
Appearance for R-2 not given.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **01.04.2026**

CRL.M.A. 9847/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2412/2026

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. 258/2025 dated 02.08.2025, registered at Police Station Shahdara, New Delhi, under Sections 109(1)/74/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and consequential proceedings emanating therefrom, on the ground of settlement arrived at between the



parties.

2. Issue notice. Ms. Manjeet Arya accepts notice on behalf of the State. Learned counsel accepts notice on behalf of the respondent No.2.

3. The allegations, as emerging from the impugned FIR, are that on 02.08.2025, following a dispute between the complainant's father and neighbours over parking area, the petitioners and their associates, allegedly entered the complainant's residence. Petitioner No. 1 is alleged to have pushed and slapped the complainant's mother, while his son [petitioner No. 2] restrained her. The petitioners are further alleged to have used abusive language and made threats to the complainant and his family. It is also alleged that when the complainant, alongwith his colleague, attempted to proceed to the police station, they encountered 5-6 associates of the petitioners, who were allegedly armed with *lathis* and a sword. Upon exiting the building, the petitioners are stated to have thrown bricks and stones from the balcony, resulting in injuries to the complainant and his colleague, Prashant Chaudhary, who received medical attention.

4. It is noted that apart from the respondent No.2 herein, other victims, namely, Prashant Chaudhary and mother of respondent No.2, have not been impleaded as parties to the present proceedings. However, they are present on video conference and have stated that they have no objection to the quashing of the FIR. I am also informed that the allegation under Section 74 BNS (corresponding to Section 354 IPC) arose from a misunderstanding in the context of a neighbourhood dispute.

5. During the pendency of the proceedings, and with the intervention of family members and well-wishers, the parties have amicably resolved



their disputes, without any monetary settlement, as recorded in a settlement deed dated 24.12.2025.

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

7. It is now well established that, even in cases involving non-compoundable offences, the High Court can exercise its inherent powers under Section 482 of the CrPC and Section 528 of the BNSS to quash proceedings where the parties have reached a compromise. This power, however, is discretionary, and the Court is guided by certain established principles when deciding such matters.

8. In *Gian Singh v. State of Punjab* the Supreme Court reviewed several earlier decisions, including those relating to Section 307 IPC (corresponding to Section 109 of BNS)¹, and summarized the legal position 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 nature and have a serious impact on society. Similarly, any*

¹ *Ishwar Singh v. State of Madhya Pradesh*, (2008) 15 SCC 667.



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.”²

9. Three subsequent judgments of the Supreme Court specifically address cases arising under Section 109 of BNS (corresponding to Section 307 IPC):

a. In *Narinder Singh & Ors. v. State of Punjab & Anr.*³, after considering the decision in *Gian Singh* and other judgments concerning Section 307 IPC (corresponding to Section 109 of BNS), the Court distilled the following legal principles:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466, [hereinafter, “*Narinder Singh*”].



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.

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.”



b. In *State of Madhya Pradesh v. Laxmi Narayan & Ors.*⁴, the same principles were reaffirmed.

c. Subsequently, in the recent decision of *Naushey Ali & Ors. v. State of Uttar Pradesh & Anr.*⁵, these principles were applied to set aside a prosecution under Section 109 of BNS (corresponding to Section 307 IPC).

10. Applying these principles to the present case and considering the overall facts and circumstances, I am of the view that it is appropriate to invoke the inherent powers of this Court to quash the proceedings. A copy of the Medico-Legal Certificate [“MLC”] dated 02.08.2025, issued by Guru Teg Bahadur Hospital, New Delhi, has been handed over in Court and is taken on record. The MLC indicates that the injuries sustained are described as “*swelling and tenderness present on the right hand palm*” and “*abrasion associated with the tenderness over the third finger of the right hand*”; however, the nature of injuries is still pending observation. Therefore, *prima facie*, this is not a case where allegations under Section 109 of BNS (corresponding to Section 307 IPC) are clearly made out in the MLC.

11. The offence, in the context of the compromise, is predominantly private in character, arising from a neighbourhood dispute stemming from a misunderstanding between parties who were already known to each other. The settlement was reached within five months of registration of the FIR. In these circumstances, the likelihood of conviction is remote, and continuation of the proceedings would cause undue hardship and

⁴ (2019) 5 SCC 688, [hereinafter, “*Laxmi Narayan*”].

⁵ (2025) 4 SCC 78.



prejudice to the petitioners, notwithstanding the full and complete settlement with the victims. The fact that the compromise was reached at an early stage of the investigation further supports the exercise of this Court's discretion to quash the FIR.

12. In light of the aforesaid, FIR No. 258/2025 dated 02.08.2025, registered at Police Station Shahdara, New Delhi, under Sections 109(1)/74/3(5) of BNS, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

14. The petition, alongwith pending application, if any, stand disposed of.

PRATEEK JALAN, J

APRIL 1, 2026

'pv'/SD/