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

+ CRL.M.C. 2607/2026 & CRL.M.A. 10608/2026
SAAGAR TEWARIPetitioner

versus

STATE GNCT OF DELHI AND ANRRespondents

+ CRL.M.C. 2667/2026 & CRL.M.A. 10809/2026
ZAHEER ABBASPetitioner

versus

STATE OF NCT OF DELHI & ANR.Respondents

Appearances:-

Mr. Vijay Shankar, Advocate for petitioner in item No. 79/R2 in item No.80.

Mr. Musharraf Ali, Mr. Mohd. Danish, Mr. Waqas Tanvir, Advocate for petitioner in item No. 80/R2 and R3 in item No.79.

Ms. Manjeet Arya, APP with SI Rekha Chauhan, P.S. Pandav Nagar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.04.2026**

1. The present petitions have been filed 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 cross-FIRs, being [a] FIR No. 312/2021 dated 05.07.2021, registered under Sections 279/337 of the Indian Penal Code, 1860 ["IPC"] [subject matter of CRL.M.C. 2607/2026]; and [b] FIR No.



82/2023 dated 01.03.2023, registered under Section 279 of the IPC [subject matter of CRL.M.C. 2667/2026], both registered at Police Station Pandav Nagar, District East, New Delhi. The petitions are premised on a settlement arrived at between the parties.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Vijay Shankar, learned counsel, accepts notice on behalf of respondent No. 2 – complainant in CRL.M.C. 2667/2026. Mr. Mohd. Danish, learned counsel, accepts notice on behalf of respondent No. 2 – complainant in CRL.M.C. 2607/2026.

3. Mr. Shankar submits that, although one of the injured persons [Mr. Shahid Husain @ Azmi] in FIR No. 312/2021 dated 05.07.2021, has not been made party to the petition, he is present in Court and has also signed the settlement. With the consent of learned counsel for the parties, Mr. Shahid Husain @ Azmi is impleaded as respondent No. 3 in CRL.M.C. 2607/2026. Amended memo of parties and *vakalatnama* have been handed up in Court, and are taken on record in the said petition.

4. The impugned FIRs have been registered at the instance of respondent No. 2 in the respective petitions. The facts, as they emerge therefrom, are that on 04.07.2021, respondent Nos. 2 and 3 in CRL.M.C. 2607/2026 were returning home on a motorcycle when an accident took place with a car driven by the petitioner in CRL.M.C. 2607/2026. The complainants in the respective FIRs have levelled allegations of rash and negligent driving against each other.

5. The parties have since entered into a settlement dated 05.02.2026, under the aegis of the Delhi Mediation Centre, Karkardooma Courts, New



Delhi. They, therefore, seek quashing of the impugned FIRs.

6. The parties are present and have been duly identified their respective learned counsel as well as by the Investigating Officer.

7. The settlement contemplates that the accused in FIR No. 312/2021 [petitioner in CRL.M.C. 2607/2026] has agreed to pay a sum of Rs.1,25,000/- to the injured persons [respondent Nos. 2 and 3 in CRL.M.C. 2607/2026] towards full and final settlement. I am informed that the said amount has been paid in terms of the settlement.

8. The parties, who are present in Court and represented by learned counsel, have duly signed the agreement. They confirm that they have amicably resolved their disputes and do not wish to pursue the criminal proceedings against each other.

9. Although the offence under Section 279 of the IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

10. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], 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 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.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision 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 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.”

[Emphasis supplied.]

11. Applying the aforesaid principles to the facts of the present case, I am of the view that the petitions merit the exercise of this Court’s inherent jurisdiction for quashing the impugned FIRs. The disputes arise out of a road accident and, on a *prima facie* assessment, do not disclose any element of heinous, serious, or organised criminality. The allegations are essentially in the nature of rash and negligent driving resulting in the accident. The parties have also categorically affirmed the voluntary



nature of the settlement before the Court.

12. Having regard to the nature of the disputes, and in light of the amicable settlement reached between the parties, the prospect of any conviction appears to be remote. The continuation of criminal proceedings under these circumstances would serve no public interest and would place an unnecessary burden on judicial resources. On the other hand, quashing of the impugned FIRs would subserve the ends of justice by enabling the parties to put a quietus to their disputes.

13. The petitions are, therefore, allowed, and FIR No. 312/2021 dated 05.07.2021, registered under Sections 279/337 of the IPC, and FIR No. 82/2023 dated 01.03.2023, registered under Section 279 of the IPC, both registered at Police Station Pandav Nagar, District East, New Delhi, alongwith all consequential proceedings arising therefrom, are hereby quashed.

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

15. The petitions, alongwith pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

APRIL 9, 2026

“Bhupi/KA”/