$~35 (16.11.2026)

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

\# **CNR No. DLHC010152762026**

\+ CRL.M.C. 2813/2026

JAIVEER SINGH AND ORS .....Petitioners

Through: Mr. Chetan Bhardwaj and Mr. Priyal Bhardwaj, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ORS .....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for State.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 17.11.2026

[This case is being taken up today as 16th November, 2026 was declared a holiday vide Notification No. 110/G-4/Genl.-I/DHC dated 11th November, 2026]

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks quashing of FIR No. 642/2021 dated 25th December, 2021, registered at P.S. Ghazipur under Sections 308/323/34 of the Indian Penal Code, 1860,[2] and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that on 25th December, 2021, at approximately 10:30 AM, an altercation took place between the Petitioners

[1] "BNSS"
[2] "IPC"

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and the Respondents at Rajveer Colony, Ghazipur, Delhi. It is alleged that the incident commenced when Respondent No. 3/Rajesh and his son were throwing old wooden articles from the roof of their house into the street, as a result of which an altercation ensued between him and Petitioner No. 2/Sunita. Upon hearing the altercation, Petitioner Nos. 1, 3 and 4 also reached the spot. It is alleged that the Petitioners assaulted the Respondents, resulting in injuries to them. During investigation, the MLCs of the injured persons were obtained. While the injuries sustained by Respondent Nos. 2 and 4 were opined to be simple, the injuries sustained by Respondent No. 3/Rajesh were subsequently opined to be grievous in nature. Consequently, Section 325 IPC was added during investigation and a chargesheet was filed against all four Petitioners under Sections 308/325/323/34 IPC.

3. It is pertinent to note that, arising out of the same incident, another FIR bearing No. 641/2021 dated 25th December, 2021, came to be registered at P.S. Ghazipur under Sections 323/341 IPC on the complaint of Petitioner No. 3 against Respondent No. 3/Rajesh. A chargesheet has also been filed in the said FIR against Respondent No. 3, and the proceedings arising therefrom are pending before the concerned Court. Thus, both FIRs emanate from the same incident and involve the same parties.

4. The parties state that, with the intervention of common friends, relatives and respectable members of society, they have amicably resolved their disputes. Pursuant thereto, a Compromise/Settlement Deed dated 2nd April, 2026 was executed between the parties, whereby they have agreed to settle their disputes arising out of both the FIRs.

5. A copy of the Settlement Deed has been placed on record and perused by the Court. As per its terms, the parties have resolved their disputes

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without any monetary consideration. Both sides have agreed not to pursue the respective criminal proceedings and to cooperate with each other in seeking appropriate orders for quashing of FIR No. 642/2021 and compounding of the offences in FIR No. 641/2021, as permissible in law.

6. Respondent Nos. 2 to 4, who are present before this Court and have been duly identified by the Investigating Officer, state that they are neighbours of the Petitioners and that the disputes between the parties have now been amicably resolved. They further submit that the incident in question occurred in the heat of the moment, on account of a misunderstanding between the parties, and that they do not wish to pursue the present proceedings any further. They have no objection to the FIR in question being quashed and state that the settlement has been arrived at voluntarily, without any force, coercion or undue influence.

7. The Court has considered the submissions of the parties. While the offences punishable under Sections 323 and 325 IPC are compoundable, the offence under Section 308 IPC is non-compoundable in nature.

8. It is well settled that the power of the High Court under Section 482 of the Code of Criminal Procedure, 1973 [corresponding to Section 528 BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 CrPC. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution. The guiding considerations are whether such exercise would secure the ends of justice or prevent abuse of the process of the Court. While exercising this power, the Court must have due regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh***

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& Ors. v. State of Punjab & Anr.[3], the Supreme Court has reiterated these principles and held that, in appropriate cases, the Court may quash the proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak and continuation of the criminal proceedings would serve no useful purpose.

9. The Court is mindful that the offence under Section 308 of the IPC is serious in nature, and that the decision to quash the proceedings must account for the broader interests of society. The Court has also considered the injuries sustained by Respondent No. 3, including a wound on the back of his head and partial amputation of the fingertip of his right middle finger.

10. However, the Court must also account for the practical realities of securing a conviction in the present case. Respondents No. 2 to 4 have categorically expressed their unwillingness to pursue the matter further and have confirmed that the settlement has been arrived at voluntarily and without any pressure or coercion. The parties are neighbours and cross-FIRs were registered against both sides arising out of the same occurrence. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest.

11. Having regard to above, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of BNSS to secure the ends of justice.

12. Accordingly, the petition is allowed and FIR No. 642/2021 dated 25th December, 2021, registered at P.S. Ghazipur and all consequential proceedings emanating therefrom, are hereby quashed.

13. However, since the State machinery was set in motion on account of

[3] (2014) 6 SCC 466.

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the subject FIR, it is appropriate to impose costs on the Petitioners. Accordingly, each of the Petitioners is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund, within a period of three weeks from today. Proof of payment be deposited with the concerned IO within two weeks thereafter.

14. The parties shall abide by the terms of settlement.

15. The petition is disposed of in the above terms.

SANJEEV NARULA, J

NOVEMBER 17, 2026/*hc*

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