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

+ **W.P.(CRL) 1222/2026**

SHIVA

.....Petitioner

Through: Mr. Bhim Kishore & Ms. Jagrati
Kishor, Advocates.

versus

STATE & ANR.

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Aryan Sachdeva & Mr.
Abhinav Kumar, Advocates.
SI Tarun Kumar, PS Sadar Bazar.
Mr. Dheeraj, Ms. K. Beniwal, Mr.
Vipin & Ms. Dimple Singh,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.04.2026**

CRL.M.A. 11726/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1222/2026

1. The present petition is 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 FIR No. 473/2021 dated 23.07.2021, registered under Section 308 of the Indian Penal Code, 1860 ["IPC"] at Police Station Sadar Bazar, District North, Delhi, on the basis of a compromise arrived at between the parties.
2. Issue notice. Mr. Sanjay Lao, learned Standing Counsel, accepts



notice on behalf of the State, and Mr. Dheeraj accepts notice on behalf of respondent No. 2.

3. The petitioner is present in Court and is identified by his learned counsel as well as the Investigating Officer, respondent No. 2 is also present in person and is duly identified by his learned counsel and the Investigating Officer.

4. The petition is taken up for hearing with the consent of learned counsel for the parties.

5. The FIR was registered at the instance of the respondent No.2/complainant alleging that, while he was working as a battery rickshaw charger at Khari Kuan near the Old Temple on Idgah Road at about 09:30 PM, the petitioner, who was known to him, arrived on a scooter and struck the complainant, as a result of which he sustained injuries. It is further alleged that a scuffle ensued thereafter, during which the complainant suffered additional injuries.

6. Mr. Lao has handed over a Medico-Legal Certificate [“MLC”] dated 22.07.2021 issued by Dr. Ram Manohar Lohia Hospital, New Delhi, and the same is taken on record. The MLC records the nature of injuries suffered by respondent No.2 as “*simple*”.

7. During the pendency of the proceedings, the parties have amicably settled their disputes by way of a Compromise Deed dated 25.02.2026, without any monetary consideration. Respondent No. 2, who is present in Court, affirms that the settlement has been arrived at voluntarily, without any coercion, pressure, or undue influence, and further states that he has no objection to the quashing of the FIR and all consequential proceedings arising therefrom.



8. In light of the aforesaid settlement, the parties seek quashing of the impugned FIR and all consequential proceedings arising therefrom.

9. Learned counsel for the parties submit that the parties have entered into a settlement voluntarily, without any coercion, undue influence, or pressure.

10. The Supreme Court has consistently recognized that, in appropriate cases, High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, including those involving non-compoundable offences, where the parties have amicably settled their disputes, provided that such settlement does not adversely affect any overriding public interest.

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,

¹ (2012) 10 SCC 303.



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.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, 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

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.”⁴

12. The present case arises primarily out of a scuffle between parties who were admittedly known to each other, and the MLC reflects that the injuries sustained were simple in nature. The disputes between the parties have since been amicably resolved, and they intend to maintain cordial relations going forward. Respondent No. 2 has also categorically stated before this Court that he has no subsisting grievance against the petitioner.

13. In view of the voluntary settlement between the parties, the nature of the allegations, and the categorical statement made by respondent No.

⁴ Emphasis supplied.



2 before this Court, the likelihood of conviction is minimal and that continuation of the proceedings would not serve any useful purpose. It is further noted that no overriding public interest would be adversely affected by the quashing of the FIR and the consequential proceedings arising therefrom.

14. The petition is, therefore, allowed, and all proceedings emanating from FIR No. 473/2021 dated 23.07.2021, registered under Section 308 of IPC, is hereby quashed, subject to payment of Rs.10,000/- to be paid by the petitioner to the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch] within a period of two weeks.

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

16. The petition, alongwith the pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

APRIL 17, 2026

'pv'/SD/