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

+ CRL.M.C. 3310/2026 & CRL.M.A. 13457/2026

SAHIL KHARB ALIAS SAHIL AND ORSPetitioners
Through: Mr. Daksh Dhankhar, Advocate.

versus

THE STATE THROUGH SHO PS JAFFARPUR
KALAN AND ANRRespondents
Through: Mr. Hitesh Vali, APP. SI B.R.
Meena, PS-Uttam Nagar. SI
Ashish Fogat, PS-J.P. Kalan.
Mr. Mohit Sehrawat, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
30.04.2026

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1. The present petition has been preferred 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. 34/2025 dated 17.03.2025, registered at Police Station Jaffarpur Kalan under Sections 117(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], alongwith all proceedings emanating therefrom, on the ground that the parties have amicably resolved their *inter se* disputes.

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



3. The petitioners are present in Court and are identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and identified by his learned counsel and the Investigating Officer.

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

5. The FIR in question has been registered on the basis of a complaint lodged by respondent No. 2, wherein it is alleged that on 14.03.2025, he attended a Holi gathering at a tubewell-constructed room (*kotda*) upon being invited by his friends. During the course of the gathering, petitioner No. 2, stated to be under the influence of alcohol, became involved in a verbal exchange which escalated into a physical confrontation, including the use of a stick lying nearby. It is further alleged that upon the complainant raising an objection, certain associates were called to the spot, and shortly thereafter petitioner Nos. 1 and 3, alongwith others, also arrived, whereupon the situation culminated in a group incident during which the complainant sustained injuries, including a fracture to his hand.

6. It is submitted that the parties were known to each other prior to the incident and that the dispute arose out of a misunderstanding during the course of the aforesaid gathering. Further, Mr. Sehrawat, on instructions from respondent No. 2, submits that although respondent No. 2 had sustained a fracture, the said injury was neither permanent nor of such a nature as to have any lasting adverse consequence.

7. The parties have since amicably resolved their disputes, and respondent No. 2, who is present in Court, affirms that he has entered into the settlement of his own free will and does not wish to pursue the



allegations any further.

8. Upon completion of investigation, a chargesheet was filed on 13.04.2025.

9. During the pendency of the proceedings, the parties have entered into settlement which is reduced into writing by way of a Memorandum of Understanding dated 21.04.2026.

10. Learned counsel for the parties submit that the settlement has been arrived at voluntarily, without any coercion, undue influence, or pressure.

11. In light of the aforesaid, parties seek quashing of the impugned FIR.

12. The Supreme Court has consistently held that, in the exercise of inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), High Courts are competent to quash criminal proceedings, even in respect of non-compoundable offences, where the parties have arrived at a *bona fide* settlement, so long as such exercise does not adversely affect any overriding public interest and is in furtherance of the ends of justice.

13. 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

¹ 2012 10 SCC 303.



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.”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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

14. The offences alleged in the subject FIR arise out of an incident at a private social gathering on the occasion of Holi, where a verbal altercation between the parties is stated to have escalated into a physical confrontation. While the allegations, including the infliction of a fracture injury, are not insignificant, they appear to have emanated from a



personal dispute arising out of a misunderstanding in the course of the said gathering, without any element of premeditation or impact on society at large, and do not involve any overriding public interest or grave criminality. It is also pertinent that the injuries sustained, though involving a fracture, are neither permanent nor of such a nature as to have any lasting adverse consequence. In this regard, respondent No. 2 has appeared before this Court and has unequivocally affirmed the voluntary nature of the settlement, stating that he does not wish to pursue the matter any further.

15. Having regard to the nature of the dispute, the prior relationship between the parties, and the overall circumstances, the likelihood of conviction appears remote. In these circumstances, continuation of the criminal proceedings would not serve the ends of justice and would instead result in unnecessary prolongation of litigation, thereby burdening the criminal justice system and consuming valuable judicial time and public resources. Further, in view of the amicable settlement arrived at between the parties, permitting the proceedings to continue would only perpetuate past animosity between the parties.

16. In view of the aforesaid, the present petition is allowed. Accordingly, FIR No. 34/2025 dated 17.03.2025, registered at Police Station Jaffarpur Kalan under Sections 117(4)/3(5) of BNS, alongwith all proceedings emanating therefrom, is hereby quashed, subject to the petitioners depositing costs of Rs. 15,000/- each with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC Code: UCBA0001553; UCO Bank, Delhi High Court Branch].

⁴ Emphasis supplied.



17. The petitioners are further directed to undertake community service at Rao Tula Ram Hospital, Jaffarpur Kalan, Delhi, and report to its Medical Superintendent on 08.05.2026 at 10:00 AM. The Medical Superintendent of the said hospital is requested to assign appropriate duties to the petitioners for 6 sessions of 3 hours each, to be completed over a period of 3 months, either collectively or separately, with the nature and timing of such duties to be determined by the Medical Superintendent. Upon completion thereof, the petitioners shall file compliance affidavits alongwith a certificate issued by the said hospital within a period of one week.
18. The parties shall remain bound by the terms of the settlement.
19. The petition, alongwith pending applications, accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 30, 2026

'Bhupi'/SD/