



\$~62

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

+ **CRL.M.C. 2563/2025**

NITIN DABAS

.....Petitioner

Through: **Ms. Kajal Singh, Advocate.**

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondent

Through: **Ms. Manjeet Arya, APP for State.
R-2 in Person.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.01.2026**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] [corresponding to Section 482 of the Code of Criminal Procedure ["CrPC"]], seeking quashing of FIR No. 2653/2015 dated 05.10.2015, registered at Police Station Mehrauli, South District, Delhi, under Sections 452/323/506/427 of the Indian Penal Code, 1860, ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.

2. The petitioner is present in Court and has been identified by Ms. Kajal Singh, learned counsel, as well as by the Investigating Officer ["IO"]. Respondent No. 2 appears through video conference and is identified by the IO and states that he does not require the assistance of counsel.

3. The subject FIR was registered at the instance of respondent No.2



alleging that on 04.10.2015, the petitioner forcibly entered his residence at Chhattarpur, demanded a sum of Rs. 2,00,000/-, abused him, and brandished a firearm while threatening to kill respondent No.2. The dispute between the parties is stated to have arisen out of a monetary transaction. The investigation has since been completed and a chargesheet has been filed. The matter, bearing CR Case No. 4193/2019, is stated to be pending before the Court of the Judicial Magistrate First Class, South District, Saket Courts, with the next date of hearing fixed as 19.03.2026 for prosecution evidence.

4. The parties have resolved their disputes by way of a Deed of Compromise/Settlement on 10.03.2025, wherein respondent No. 2 has categorically stated that he does not wish to pursue the present FIR and proceedings emanating therefrom and has no objection to quashing the same.

5. Learned counsel for the parties submit that the petitioner and respondent No.2 have known each other for the last 20-22 years and have several common friends and well-wishers, with whose intervention the parties have amicably settled their disputes. It is further submitted that the settlement has been arrived at voluntarily, without any coercion, pressure, or undue influence, and that continuation of the criminal proceedings would serve no useful purpose.

6. Although the offence under Section 452 IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), 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.

7. 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, 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.



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

(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

³ (2014) 6 SCC 466.



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

8. In the present case, the dispute arises out of a monetary dispute between individuals known to each other for several years. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

9. Having regard to the above discussion, the petition is allowed. FIR No. 2653/2015 dated 05.10.2015, registered at Police Station Mehrauli, under Sections 452/323/506/427 of IPC, and all proceedings emanating therefrom are hereby quashed.

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

11. The petition thus stands disposed of.

PRATEEK JALAN, J

JANUARY 22, 2026

‘pv/JM’/

⁴ Emphasis supplied.