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

+ CRL.M.C. 4261/2026

HUSSAIN

.....Petitioner

Through: Mr. Parvez Haider, Advocate

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State
with Inspector Param Jeet Singh
and ASI Ghanshyam, PS Shastri
Park Metro Station
Prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.05.2026**

1. The petitioner has filed this petition 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. 25/2019 dated 29.09.2019, registered at Police Station Shastri Park Metro Station, under Sections 354D/509/506/34 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. The prosecutrix appears in person and accepts notice.
3. The petition is taken up for disposal with the consent of the parties.
4. The impugned FIR was registered at the instance of respondent No. 2 against the petitioner, who is her neighbour.
5. The allegations in the FIR are that on 29.09.2019, while the



complainant was travelling on the Pink Line Metro, her scarf got stuck in the metro gate, whereupon the accused allegedly misbehaved with her and used abusive language. It is further alleged that the petitioner chased and threatened the complainant during the journey and made objectionable gestures towards her. Upon completion of the investigation, chargesheet was filed in January 2020 and one Wasim was also named therein. However, by order dated 28.08.2024, the Magistrate's Court discharged Wasim, and charges under Sections 354D/509 of the IPC were framed against the present petitioner.

6. The parties have subsequently entered into a settlement, recorded in a Settlement Agreement dated 24.04.2026 to put a quietus to the dispute.

7. Respondent No. 2, who is present in Court, submits that the allegations under Sections 354D/509 of the IPC were made out of a misunderstanding, and she does not wish to pursue the allegations further.

8. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

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

10. 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.



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, 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

12. The offences alleged in the subject FIR arise out of a misunderstanding and are essentially private in nature. The dispute does not involve any element of public interest or heinous criminality. The parties are known to each other as neighbours, and they now wish to bury the hatchet and resolve all their disputes amicably. Applying the tests laid down by the Supreme Court, it may be observed that 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 their continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

13. Having regard to the above discussion, the petition is allowed, and FIR No. 25/2019 dated 29.09.2019, registered at Police Station Shastri Park Metro Station, under Sections 354D/509/506/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to costs 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 from today.

14. Having regard to the circumstances giving rise to the impugned FIR and the nature of allegations therein, I accept the suggestion of Ms. Arya that the present case warrants the imposition of community service upon the petitioner. The petitioner is accordingly directed to report to the

⁴ Emphasis supplied.



Medical Superintendent, Guru Teg Bahadur Hospital, Dilshad Garden, New Delhi, on 06.06.2026 at 11:30 A.M., who shall assign him suitable duties and tasks for six sessions of three hours each, to be completed within the next two months. The nature and timing of such duties shall be determined by the Medical Superintendent. The petitioner shall file a compliance affidavit alongwith a certificate issued by the said Hospital within one week thereafter.

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

16. The petition, accordingly, stands disposed of.

PRATEEK JALAN, J

MAY 26, 2026

'pv/JM'/'