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

% ***Date of Decision : 28.10.2026***

\# **CNR No.DLHC010267502026**

\+ **CRL.M.C. 4479/2026**

POONAM TYAGI .....Petitioner

Through: Mr. Ayush Bodwal, Mr. Piyush Tyagi and Mr. Sushil Yadav, Advs. along with petitioner.

versus

STATE(N.C.T. OF DELHI) & ANR. .....Respondents

Through: Mr. Hemant Mehla, APP for the State along with Mr. Mohd. Naved and Mr. Mayank Chaudhary, Advs. for State.
Mr. Chandra Kant Kumar, Adv. for R-2 along with R-2 in person.
SI Rohit, PS Uttam Nagar.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") seeks quashing of FIR No. 418/2014 dated 25.04.2014, registered at Police Station Uttam Nagar, Delhi, under Sections 448/380/427/506/34 of the Indian Penal Code, 1860 ("IPC"), and all proceedings emanating therefrom.

2. The present petition has been filed on the basis of a settlement arrived at between the petitioner and respondent no.2.

3. The factual conspectus is that the respondent no.2 alleged in the aforesaid FIR that his landlords, along with the petitioner, threw out and

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damaged his belongings and threatened him and his parents. It was further alleged that his laptop was missing.

4. By order dated 12.03.2020, the learned Additional Chief Metropolitan Magistrate, South-West District, Dwarka Courts, Delhi, discharged all the accused, including the petitioner, of the offence punishable under Section 380/34 IPC, upon noticing that in his subsequent statement dated 27.04.2014 the complainant had admitted having found the laptop. Charge was, however, directed to be framed against all the three accused under Sections 448/427/506(II)/34 IPC.

5. On 17.02.2024, the statement of respondent no.2 came to be recorded before the learned Metropolitan Magistrate, South-West District, Dwarka Courts, Delhi, to the effect that the matter stood amicably settled between the parties.

6. It is pointed out during the course of hearing that the co-accused landlords (Ram Kumar Sharma and Kamlesh Sharma) were convicted for offence punishable under Section 506(II)/34 IPC by order dated 17.02.2024, upon an application for plea bargaining filed by them being allowed, and were released after due admonition.

7. Thereafter, on 09.03.2024, all the accused including the petitioner were acquitted for offences punishable under Sections 448, 427 read with Section 34 IPC.

8. Consequently, the only charge which now survives against the petitioner is the one under Section 506(II) read with Section 34 IPC. The proceedings *qua* the co-accused Ram Kumar Sharma and Kamlesh Sharma stand concluded.

9. Respondent no.2 has filed an affidavit stating that he has settled the

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dispute voluntarily and that he has no objection to the quashing of the subject FIR. The said affidavit reads as under:-

AFFIDAVIT

I, Surender Kumar Sharma S/o Late Shri Ramji Sharma, aged about 39 years, R/O A-30, Rajan Vihar, Hastal Village, Uttam Nagar, New Delhi-110059, do hereby solemnly affirm and declare as under-

1. That I have been impleaded as respondent no.2 in the present petition, and as such am conversant with the facts of the same and am competent to swear the present affidavit.

2. That I have voluntarily, amicably and without any kind of pressure, influence, or coercion, settled all my disputes with the petitioner.

3. That in view of the aforesaid amicable settlement, I have no objection if the F.I.R. bearing no. 418/2014 u/s 380/427/448/506/34 IPC registered at P.S. Uttam Nagar is quashed by the Hon'ble Court.

10. In the facts and circumstances of the case, it is noticed that the dispute is a private one between the tenant and his landlords. Further, the offences under Sections 448 and 427 IPC stand compounded, and the petitioner stands acquitted in respect thereof. The petitioner also stands discharged of the offence under Section 380 IPC. The only surviving charge is under Section 506(II) read with Section 34 IPC, arising out of the same incident.

11. The other co-accused have already been convicted and released after admonition pursuant to the plea bargaining allowed on 17.02.2024.

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12. This Court is conscious that the offence punishable under Section 506(II) IPC is non-compoundable. However, the power of this Court under Section 528 of the BNSS (earlier Section 482 of the CrPC) to quash criminal proceedings is distinct from the power of compounding conferred on a criminal court and is not limited by it.

13. In this regard, it is apposite to refer to the decision of the Supreme Court in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, wherein it has been held as under:-

> *"**61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.** … However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. … **In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.**"*

14. The principles were thereafter crystallized in ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466. In paragraph 29, the Supreme Court observed

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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.***
> ***29.5. 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.****"*

15. The aforesaid position has since been reaffirmed by the Supreme Court in ***Ramgopal v. State of Madhya Pradesh***, (2022) 14 SCC 531, in the following terms:-

> *"**12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to***

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> ***ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.***
>
> *xxx*
>
> *19. We thus sum up and hold that as opposed to Section 320 CrPC where the Court is squarely guided by the compromise between the parties in respect of offences "compoundable" within the statutory framework,* ***the extraordinary power enjoined upon a High Court under Section 482 CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 CrPC****. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:*
>
> ***19.1. Nature and effect of the offence on the conscience of the society;***
>
> ***19.2. Seriousness of the injury, if any;***
>
> ***19.3 Voluntary nature of compromise between the accused and the victim; and***
>
> ***19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.****"*

16. A coordinate bench of this Court in ***Kamal Kishore @ KP & Ors. v. The State (Govt. of NCT of Delhi) & Ors.***, CRL.M.C. No. 4350/2015, decided on 05.11.2015, observed that even though an offence under Section 506-Part II IPC is non-compoundable, the High Court can use its inherent powers under Section 482 CrPC to accept a compromise and quash the proceedings. The relevant extract reads as under:

> *"****5. Undisputedly, offence punishable under Section 506-II IPC is not compoundable, however, considering the facts and circumstances of the case and in exercise of the inherent powers under Section 482 of the Code of Criminal Procedure, 1973, this Court has power to accept the compromise.****"*

17. Applying the aforesaid *dicta* to the facts of the present case, this Court finds that the offences in question do not fall within the category of heinous and serious offences of mental depravity, or offences such as murder, rape

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or dacoity; the dispute is overwhelmingly private and personal in nature, having arisen out of a landlord-tenant relationship; the parties have resolved their entire dispute voluntarily; the proceedings *qua* the co-accused already stand concluded; and the trial is at a nascent stage. Considering the circumstances, no useful purpose shall be served by continuing the prosecution of the petitioner. There is, accordingly, no impediment to acceding to the prayer of the petitioner for quashing of the subject FIR *qua* her.

18. The parties are present in person and have been duly identified by the concerned Investigating Officer (IO), who is also present in Court.

19. During the course of hearing, the parties again affirm that they have settled the matter out of their own free will and volition. It is categorically submitted by respondent no.2 that he is not desirous of pursuing the matter further.

20. In the circumstances, the present petition is allowed. Accordingly, FIR No.418/2014, dated 25.04.2014, registered at PS Uttam Nagar, Delhi, under Section 448/380/427/506/34 IPC, and all proceedings emanating therefrom, stand quashed *qua* the petitioner.

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

22. Let a copy of this order be sent to the concerned trial Court.

SACHIN DATTA, J

OCTOBER 28, 2026/r,sd

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