



\$~26

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

+ **CRL.M.C. 3223/2025 & CRL.M.A. 14209/2025**

SH. PAWAN KUMAR @ BAGGI & ANR.Petitioners
Through: Mr. Dilraj Singh, Mr. Harshit
Sherawat, Mr. Sudhanshu Singh,
Advocates.

versus

STATE NCT OF DELHI AND ORS.Respondents
Through: Ms. Manjeet Arya, APP. SI Ajay,
Insp. Ashok.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **16.03.2026**

1. By way of 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"]), the petitioners seek quashing of FIR No. 488/2013 dated 23.11.2013 registered at Police Station North Rohini, Outer District, Delhi, under Sections 34/323/354B/509 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings emanating therefrom, on the ground of settlement.

2. The FIR was registered at the instance of respondent No. 2. The petitioners are related to the complainants, being the cousin brothers of respondent No. 3. The allegations, as emerging from the FIR, are that on 22.11.2013 at about 7:00 PM, the petitioners allegedly made inappropriate remarks towards respondent No. 2 and, upon her protest,



assaulted her. It is further alleged that when the husband of the complainant, i.e., respondent No. 3, intervened, he was pushed, resulting in injuries. Both respondents were thereafter medically examined at Bhagwan Mahavir Hospital, and the nature of injuries sustained was determined to be simple.

3. Upon completion of the investigation, a chargesheet was filed on 10.02.2014. The matter [Cr. Case 530066/2016] is pending before the Court of Judicial Magistrate First Class (Mahila Court)-02, District North West, Rohini Courts, for “*misc. case/purpose*” and is next listed on 02.04.2026.

4. The parties have subsequently entered into a settlement agreement dated 21.04.2025, pursuant to which respondent Nos. 2 and 3 have filed affidavits before this Court stating that they have no objection to the quashing of the criminal proceedings. The statements of respondent Nos. 2 and 3 were also recorded before the Joint Registrar of this Court on 07.05.2025, wherein they reiterated their no objection. It has further been stated that the FIR was registered due to a misunderstanding and miscommunication on a trivial issue, which now stands resolved.

5. By order dated 14.05.2025, the statement of the learned Additional Public Prosecutor was recorded to the effect that the FIR may be quashed, subject to payment of costs by the petitioners. Accordingly, costs of Rs.10,000/- were directed to be deposited with the Delhi High Court Legal Services Committee, which condition has been complied with.

6. The petitioners as well as respondent Nos. 2 and 3 are present in Court and have been identified by the Investigating Officer. They affirm the statements recorded before the Joint Registrar and reiterate that the



settlement has been entered into voluntarily, without any coercion.

7. 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.

8. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.* 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.”¹

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*², 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

¹ Emphasis supplied.

² (2014) 6 SCC 466.



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.”³

9. The offences alleged in the present FIR arise out of internal disputes between the parties, who are related to each other, and are essentially private in nature. The dispute does not involve any element of public interest or heinous criminality. Respondent Nos. 2 and 3 have categorically affirmed the voluntary nature of the settlement before this Court and also confirmed that the FIR was registered due to a misunderstanding and miscommunication. In these circumstances, the likelihood of conviction is remote, and continuation of proceedings would serve no useful purpose, amounting to an empty formality and unnecessary burden on the justice system.

10. Having regard to the aforesaid facts and circumstances, and in order to secure the ends of justice, the present petition is allowed. FIR No. 488/2013 dated 23.11.2013 registered at Police Station North Rohini, District Outer, Delhi, under Sections 354B/509/323/34 IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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



12. The petition, alongwith the pending application, accordingly stands disposed of.

MARCH 16, 2026
'Bhupi/JM'

PRATEEK JALAN, J

³ Emphasis supplied.