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

+ **CRL.M.C. 3289/2025**

MAHESH KUMAR & ANR.Petitioners

Through: Ms. Ria Goyal & Ms. Akriti
Mishra, Advocates.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Aashneet Singh, APP & Mr.
Abhishek Juneja for State with SI
P. Buno, PS Madhu Vihar.
Mr. Raj Kumar & Mr. Deepak
Kumar, Advocates for Respondent
Nos. 2-5.

+ **CRL.M.C. 3316/2025**

DINESH SWAMI & ORS.Petitioners

Through: Mr. Raj Kumar & Mr. Deepak
Kumar, Advocates.

versus

STATE GOVT. OF NCT OF DELHI
& ORS.

....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP
& Mr. Sunil Arya for State with SI
P. Buno, PS Madhu Vihar.
Ms. Ria Goyal & Ms. Akriti
Mishra, Advocates for Respondent
Nos. 2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.02.2026

CRL.M.A. 14471/2025(for exemption) in CRL.M.C. 3289/2025



Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. Nos. 3289/2025&3316/2025

1. Issue notice. Mr. Aashneet Singh and Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutors, accept notice on behalf of the State. Mr. Raj Kumar, learned counsel, accepts notice on behalf of respondents No. 2 to 5 in CRL.M.C. 3289/2025. Ms. Ria Goyal, learned counsel, accepts notice on behalf of respondents No. 2 and 3 in CRL.M.C. 3316/2025.

2. These petitions filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[“BNSS”] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 [“CrPC”]) seek quashing of two cross-FIRs arising out of the same incident dated 23.05.2015 at ISBT Anand Vihar, Delhi, namely:

(i) FIR No. 541/2015 dated 23.05.2015 registered at Police Station Madhu Vihar, District East, Delhi, under Sections 308/506/34 of the Indian Penal Code, 1860, [“IPC”] in CRL.M.C. No. 3289/2025; and

(ii) FIR No. 542/2015 dated 23.05.2015 registered at Police Station Madhu Vihar, District East, Delhi, under Sections 186/332/353/427/34 of the IPC and Section 3 of the Delhi Prevention of Defacement of Property Act, 2007, in CRL.M.C. No. 3316/2025.

The respective complainants in the two FIRs have been arrayed as respondent No. 2 in these petitions.



3. The parties were working as porters and bus driver/conductor, respectively, at ISBT Anand Vihar. The petitions are founded on a settlement arrived at between the parties.

4. FIR No. 541/2015 was registered at the instance of Kuldeep Kumar (porter), alleging that a quarrel erupted between him and the bus driver and his associates regarding the loading/unloading of luggage, during which the petitioners allegedly assaulted him and others with rods, causing injuries.

5. On the same day, FIR No. 542/2015 was registered at the instance of Umesh Kumar (bus driver employed with Uttar Pradesh State Road Transport Corporation), alleging that the porters had obstructed the discharge of his official duty, assaulted him and his associates with sticks and caused damage to the government vehicle. The incident thus resulted in cross-cases between the parties.

6. The injured persons from both sides were medically examined at Lal Bahadur Shastri Hospital. The Medico Legal Cases reflect that the injuries sustained were simple in nature.

7. In CRL.M.C. 3289/2025, chargesheet has been filed, and the matter is pending before the learned Sessions Court at the stage of “Misc. cases”. In CRL.M.C. 3316/2025, the chargesheet has also been filed, and the matter is pending before the learned Chief Judicial Magistrate at the stage of “misc./appearance”.

8. During the pendency of the proceedings, the parties have amicably resolved their disputes and executed a Memorandum of Understanding dated 19.11.2024. In terms thereof, both sides have agreed to withdraw



all allegations against each other and to cooperate in getting the aforesaid FIRs quashed.

9. The present petitions have accordingly been filed, seeking quashing of the aforesaid FIRs and all proceedings emanating therefrom.

10. It is also brought to the notice of this Court that two persons involved in the incident, namely Subhash Chand and Ashwani Kumar Srivastava, have since expired. Their death certificates have been placed on record.

11. I have heard learned counsel for the parties. All parties are present before the Court, and have been duly identified by the Investigating Officer as well as by their respective counsel. The parties have confirmed before the Court that the settlement has been arrived at voluntarily and that they do not wish to pursue the criminal proceedings against each other, which arose out of a misunderstanding between the parties.

12. 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.

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

¹(2012) 10 SCC 303.



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 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

²Emphasis supplied.

³(2014) 6 SCC 466.



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

14. The present case arises out of a sudden altercation between two sets of persons engaged in their respective vocations at ISBT Anand Vihar, one side being porters and the other being a bus driver employed with the Uttar Pradesh State Road Transport Corporation and his associates. The incident appears to have stemmed from a misunderstanding regarding the loading and unloading of luggage, which escalated into a scuffle, resulting in cross-allegations and registration of the aforesaid FIRs. The medical records placed on record indicate that the injuries sustained by the parties were simple in nature. The matter has been amicably settled between the parties, and the complainants have categorically expressed their desire not to pursue the proceedings any further. I do not discern any element of heinous criminality, or any other supervening public interest in the cross-proceedings being taken to their logical conclusion. In view of the settlement, the possibility of conviction appears remote, and continuation of criminal proceedings would serve no useful purpose. Rather, it would only perpetuate hostility between the parties and result in unnecessary expenditure of judicial time.

15. Accordingly, both petitions are allowed, and FIR No. 541/2015 dated 23.05.2015 registered at P.S. Madhu Vihar under Sections 308/506/34 IPC [in CRL.M.C. No. 3289/2025] and FIR No. 542/2015 dated 23.05.2015 registered at P.S. Madhu Vihar under Sections 186/332/353/427/34 IPC and Section 3 of the Delhi Prevention of Defacement of Property Act, 2007 [in CRL.M.C. 3316/2025], and all

⁴Emphasis supplied.



proceedings emanating therefrom, are hereby quashed.

16. The petitions, alongwith pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

FEBRUARY 26, 2026

'pv/JM'/'