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

\# **CNR No. DLHC010504712026**

\+ CRL.M.C. 7889/2026

MOHIT ALIAS SANI .....Petitioner

Through: Mr. R.K. Tyagi, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI THROUGH SHO & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP with Mr. Siddharth Shankar Jha and Ms. Kalpana Jha, Advocates for the State.
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9968257999
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SI Satyadev Panwar,
AATS/Shahdara.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 02.11.2026

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, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR"), being *FIR No. 230/2019*, dated 18th August, 2019, registered at Police Station ("PS") Gokul Puri, North-East,

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Delhi, under Sections 323/324 of the Indian Penal Code, 1860 ("IPC"), and all consequential proceedings emanating therefrom, on the ground of settlement between the parties.

2. Issue Notice.

3. Notice is accepted by the learned Additional Public Prosecutor ("APP") for the State.

4. The parties, i.e., the petitioner as well as respondent no. 2 are present before this Court, and are duly identified by the petitioner's counsel as well as by the Investigating Officer ("IO"), who is also present before this Court.

5. The captioned petition is taken up for disposal with the consent of the parties.

6. The relevant facts for the adjudication of the captioned petition, culled out from the documents on record, are as follows:

6.1. The police initially received a call on 15th August, 2019, regarding the quarrel and reached the spot, where it was learnt that the injured had been shifted to the Guru Teg Bahadur ("GTB") Hospital, Dilshad Garden, New Delhi, for treatment.

6.2. Upon reaching the hospital, the police collected the Medico-Legal Certificates ("MLCs"), of both injured persons, namely, Deepak, whose injury was described as an injured wound and Karam Chand, whose injury was described as blunt. However, the injured persons could not be found in the hospital.

6.3. Thereafter the FIR in question came to be lodged on 18th August, 2019, on the complaint of the complainant, i.e., the respondent no. 2, who appeared at the PS Gokulpuri and his statement was recorded. As per his statement, petitioner on 15th August, 2019 at about 05:30 PM, allegedly abused him from

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his adjoining roof while he was flying a kite at the roof along with his family. While abusing, the petitioner came to his house through the rooftop passage, and a scuffle started between them.

6.4. He further stated that the petitioner has beaten up his father-in-law, due to which he sustained injury on his head, and had attacked him through sharp object on his abdomen due to which blood started flowing from his abdomen and thereafter, he was rushed to GTB Hospital, Dilshad Garden, New Delhi, for treatment.

6.5. Based on the statement of the respondent no. 2, the FIR was lodged and investigation was taken up.

6.6. Upon completion of the investigation, a Final Report/Chargesheet dated 11th August, 2021, was filed by the IO before the Metropolitan Magistrate ("MM"), Karkardooma Courts, Delhi.

6.7. During the pendency of proceedings, the parties amicably resolved all their disputes *vide* Compromise Deed dated 30th September, 2026, arrived at between the parties.

6.8. *Vide* the said Compromise Deed the parties agreed to cooperate with each other in quashing of the FIR in question.

7. Learned counsel appearing for the petitioner submits that the parties have already settled the matter.

8. This Court has interacted with respondent no. 2 who submits that due to some misunderstanding there was a scuffle between the petitioner and him. He submits that his brother has married the sister of the petitioner on account of which there was some dispute. However, he submits that now he has settled the matter. He submits that he does not wish to pursue the matter any further.

9. Learned APP for the State submits that in view of the family

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involvement, the State has no serious objection in respect to the present petition.

10. It is no longer *res integra* that the High Court may exercise their inherent powers under Section 528 of the BNSS, to quash criminal proceedings even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or a settlement, and particularly when no overarching public interest is adversely affected by quashing the same. The ultimate guiding factors in such cases must be to secure the ends of justice and prevent the abuse of the process of law.

11. The Supreme Court in the case of ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, has held as follows:

> *"xxx xxx xxx*
>
> *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*

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*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.*

xxx xxx xxx"

(Emphasis Supplied)

12. Further, in the case of ***Narinder Singh and Others. Versus State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court has laid down guidelines for the High Courts while accepting settlement deeds between the parties and quashing the proceedings. The relevant observations in the said decision read as under:

"xxx xxx xxx

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.

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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.

xxx xxx xxx"

(Emphasis Supplied)

13. It is to be noted that this Court in the case of ***Deepak Kumar Versus State (Govt. of NCT) of Delhi and Another., 2024 SCC OnLine Del 1305***, while quashing an FIR on the basis of settlement between the parties held as follows:

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"xxx xxx xxx

6. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

xxx xxx xxx"

(Emphasis Supplied)

14. Having regard to the facts and submission of the present case, this Court notes that the parties are that the parties are neighbors who got involved in a scuffle arising out of a misunderstanding, and that the dispute has since been amicably settled between them.

15. Accordingly, considering the facts and circumstances of the present case, *FIR No. 230/2019*, dated 18th August, 2019, registered at PS Gokul Puri, North-East, Delhi, under Sections 323/324 of the IPC, and all consequential proceedings emanating therefrom, are hereby quashed.

16. The present petition is allowed and disposed of, in view of the aforesaid terms.

MINI PUSHKARNA, J

NOVEMBER 2, 2026
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