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

+ CRL.M.C. 5021/2025

HUSAN BANO

.....Petitioner

versus

THE STATE (GOVT OF NCT) DELHI AND ANR.

.....Respondents

+ CRL.M.C. 5036/2025

KANIKA SHEKHAWAT

.....Petitioner

versus

THE STATE NCT OF DELHI AND ANR & ANR.

.....Respondents

+ CRL.M.C. 240/2026

VISHU BASOYA AND ORS

.....Petitioners

versus

STATE AND ANR

.....Respondents

Appearances:

Mr. Ganesh Gaurav Singh, Advocate for petitioner in item 77 and for R-2 in item 78

Mr. Pradeep Sharma, Mr. Rakesh Kumar and Mr. Chirag Gautam, Advocates for R-2 in item 77 and for petitioner in item 78

Mr. Hitesh Vali, APP for the State

Mr. Neeraj Yadav and Mr. Rohit Yadav, Advocates for R-2 in item 79

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.01.2026

1. The petitions are taken up for hearing together with the consent of



learned counsel for the parties.

2. The present petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”] (corresponding to Section 482 of the Criminal Procedure Code, 1973 [“CrPC”]) seek quashing of two sets of cross-FIRs registered at Police Station Maurice Nagar, District North, Delhi, and all consequential proceedings emanating therefrom, in respect of an incident which took place on 25.10.2013. The details of the FIRs are as follows:

- a. FIR No. 138/2013 dated 25.10.2013, for offences punishable under Sections 323/341/354/506/509/511/34 of the Indian Penal Code, 1860 [“IPC”], which is the subject matter of CRL.M.C. 5021/2025.
- b. FIR No. 136/2013 dated 25.10.2013 for offences punishable under Sections 147/148/149/323/341/342/427/506/509/34, IPC, and Section 3 of the Prevention of Damage to Public Property Act, 1984, [“PDPP Act”] which is the subject matter of CRL.M.C. 5036/2025 and CRL.M.C. 240/2026.

3. The petitions are founded on a settlement arrived at between the parties, and the respective complainants in the aforesaid FIRs have been arrayed as respondent No. 2 in each of the petitions.

4. I have heard learned counsel for the parties. All parties are present in Court and are identified by the Investigating Officers and their respective counsel. The complainants have affirmed the settlement and stated that they do not wish to pursue the criminal proceedings.

5. Status reports and compilation of judgments have been handed over in Court and are taken on record.

6. The parties, who were students of the University of Delhi on one



side, and the Manager and staff members of Nirula's Restaurant outlet at the University on the other, are stated to have been involved in a scuffle on 25.10.2013 at about 1:00 P.M. Learned counsel for the parties submit that the cross-FIRs arose in the heat of the moment, and the parties have since settled their disputes to achieve peace.

7. The parties have since entered into a settlement, recorded in Settlement Deeds dated 19.07.2025 [in CRL.M.C. 5036/2025 & CRL.M.C. 5021/2025] and 01.01.2026 [in CRL.M.C. 240/2026]. The present petitions have, thus, been filed for quashing of the FIRs in view of the said settlements.

8. Learned counsel for the parties submit that the incident occurred approximately 12 years ago. Chargesheets have been filed, but charges have not yet been framed. It is submitted by learned counsel for the parties that the petitioners and other accused in CRL.M.C. 5036/2025 and CRL.M.C. 240/2026 were all students at the time of the incident. As per the Medico-Legal Cases, the injuries in all three cases were simple in nature.

9. Even in the case of non-compoundable offences, the Supreme Court has held that, in appropriate cases, the Court may quash the FIR on the ground of settlement. In *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], the Supreme Court 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.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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 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.”

[Emphasis supplied.]

10. The only objection raised by Mr. Vali, learned Additional Public Prosecutor for the State, is that one of the accused in CRL.M.C. 5036/2025 and CRL.M.C. 240/2026, namely Aman Awana, is neither a party to the settlement agreement nor a petitioner in the present petitions, as he is stated to be in judicial custody in connection with an unrelated FIR.

11. It is submitted by learned counsel for the petitioners that partial quashing is permissible in terms of judgment passed by the Supreme Court in *Lovely Salhotra & Anr. v. State (NCT of Delhi) & Anr.*, (2018) 12 SCC 391, which has also been applied in the case of quashing on



account of settlement. Furthermore, reliance has been placed on the judgment passed by this Court on 12.04.2022 in *Sunil Tomar v. the State of NCT of Delhi & Ors.*, [CRL. M.C. 1741/2021], which specifically deals with this issue, in the following manner:

“9. Partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties. Reliance can be placed on Poonam Khanna vs. State & Ors in Crl.M.C.No. 3690/2016 Dated 30.01.2018.

10. In Lovely Salhotra and Anr. vs. State, NCT of Delhi (2017 SCC Online SC 636), in paragraph 4 and 7, it is observed and held as under:

“4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2— herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co- accused Nos.2, 3, 4 and 6 prima facie.

7. Accordingly, we set aside the order of the High Court and quash the FIR qua the appellants- herein”.”

12. In view of the above judgments, I am of the view that this is a fit case for quashing of FIR No. 136/2013, as against the petitioners in CRL.M.C. 5036/2025 and CRL.M.C. 240/2026.

13. The present case arises out of a sudden altercation between two groups, which has been settled by way of a compromise. Cross FIRs have been registered. The Settlement Deeds record that the parties are desirous of putting an end to all disputes between them. The allegations do not pertain to heinous offences, and the nature of injuries suffered by the



respective parties are stated to have been simple. This appears to me to be a fit case, in which inherent power of this Court can be used to quash the cross-FIRs. Such an order would permit the parties to live in peace and harmony, rather than compounding the animosity. There is no overriding public interest to the contrary.

14. As the parties have settled their disputes, and have affirmed the voluntary nature of the settlement, it is also unlikely that further proceedings would result in convictions of the parties to the settlement. Continuation of criminal proceedings in the present FIRs against them would, in my view, be an unnecessary diversion of judicial resources.

15. Keeping in view the peculiar facts and circumstances of the case, the petitions are, therefore, allowed. All proceedings arising out of FIR No. 138/2013 dated 25.10.2013, for offences punishable under Sections 323/341/354/506/509/511/34 of the IPC, registered at Police Station Maurice Nagar, are hereby quashed. As far as FIR No. 136/2013 dated 25.10.2013 for offences punishable under Sections 147/148/149/323/341/342/506/509/427/34 of the IPC and Section 3 of the PDPP Act, registered at Police Station Maurice Nagar, District North, Delhi, is concerned, the proceedings are hereby quashed, as against the petitioners in CRL.M.C. 5036/2025 and CRL.M.C. 240/2026.

16. Accordingly, the petitions stand disposed of.

PRATEEK JALAN, J

JANUARY 28, 2026

Dy/JM/