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

% ***Date of Decision: 27th October, 2026***

\# **CNR No. DLHC010511902026**

\+ CRL.M.C. 8004/2026 & CRL.M.A. 33391/2026

SHAHBAJ @ SAJI & ANR. .....Petitioners

Through: Mr. Nazim Husain Qureshi with Ms. Meena Rani and Mr. Ashok Kumar, Advocates with petitioners in person.
(M): 8447535224
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versus

STATE GOVT. OF NCT OF DELHI AND ANR. .....Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.
(M): 9871349009
Email: sunil.skgautam@gmail.com
SI Mittahn Lal, PS Sarita Vihar.
(M): 8800868695
Respondent no. 2 in person.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral)*:

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. 419/2019* dated 06th November, 2019, registered at Police Station ("PS") Sarita Vihar, South East District, Delhi, under Sections 393/398/34 of the Indian Penal Code, 1860 ("IPC"),

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and Sections 25/54/59 of the Arms Act, 1959 ("Arms Act"), on the ground of settlement.

2. The aforesaid FIR was initially registered under Sections 392/511/34 of the IPC and Section 25 of the Arms Act. Subsequently, a Chargesheet was filed by the concerned Investigating Officer ("IO"), charging the petitioners under Sections 393/398/34 of the IPC. Petitioner no. 1 was also charged under Sections 25/54/59 of the Arms Act.

3. Charges were framed against both the petitioners under Sections 393/398/34 of the IPC and Sections 25/54/59 of the Arms Act *vide* order dated 08th October, 2025, passed by the Additional Sessions Judge-02, South East District, Saket Courts, Delhi, in *SC 5096/2024*.

4. Issue notice. Notice is accepted by learned Additional Public Prosecutor ("APP") appearing for the State, i.e., respondent no. 1, as well as by respondent no. 2.

5. The petitioners and respondent no. 2 are present before this Court, and are duly identified by their respective counsels as well as the IO, who is also present before this Court.

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

6.1. The complainant, i.e., respondent no. 2, has stated that at about 12:30 AM on 06th November, 2019, he was standing near his car at *Shaheen Bagh Pulia, Jasola*.

6.2. Two boys, i.e., the petitioners, arrived at the scene on a motorcycle and informed respondent no. 2 that a woman was very ill and needed to be taken to AIIMS Hospital. At their request, respondent no. 2 agreed to assist them.

6.3. Subsequently, one of the petitioners, who was riding pillion on the

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motorcycle, sat with respondent no. 2 inside his car, while the other petitioner rode ahead on the motorcycle.

6.4. Once the parties arrived near *Mother Dairy, Jasola*, the petitioner, who was sitting next to respondent no. 2, told him to drive towards the jhuggis near the metro line. However, he refused to comply with the request as the area was dark.

6.5. After the said petitioner repeated the request, respondent no. 2 drove a short distance towards the area but stopped, refusing to proceed further despite subsequent requests to enter.

6.6. Thereafter, the other petitioner, who was riding on the motorcycle, approached the car and showed respondent no. 2 a *desi katta*, i.e., a country-made pistol. Both the petitioners told respondent no. 2 to hand over all his belongings and leave the car, threatening to shoot him with the country-made pistol if he refused.

6.7. Suddenly, respondent no. 2 caught hold of the country-made pistol and drove the car away from the area. The petitioner, sitting next to respondent no. 2, opened the car door and jumped out.

6.8. Meanwhile, a Central Industrial Security Force ("CISF") jawan patrolling the area arrived. Upon seeing him, the other petitioner, riding the motorcycle, left the motorcycle and ran away.

6.9. Respondent no. 2 then called the police on his mobile phone and handed over the country-made pistol to the police official who arrived at the scene.

7. Learned counsel appearing for the petitioners submits that the petitioners and respondent no. 2 have compromised the matter by executing a Deed of Compromise dated 24th February, 2026.

8. In support of his contention that the present FIR can be quashed on the

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basis of the settlement between the parties, learned counsel appearing for the petitioners relies upon the judgment of the Supreme Court in the case of ***Narinder Singh and Others Versus State of Punjab and Another, (2014) 6 SCC 466***.

9. However, learned APP appearing for the State vehemently opposes the present petition and submits that the present case involves a heinous crime, wherein, the petitioners attempted to rob respondent no. 2. They were also in possession of a country-made pistol, and consequently, the FIR includes charges under Sections 25/54/59 of the Arms Act.

10. Having heard learned counsels appearing for the parties, this Court notes the contents of the present FIR. A reading of the FIR clearly brings to the fore that the petitioners had attempted to rob respondent no. 2 by showing him a country-made pistol in a threatening manner. The robbery attempt was not successful only on account of the fact that a CISF jawan was patrolling the area where the alleged incident occurred.

11. Reliance on ***Narinder Singh (supra)*** is of no assistance to the petitioners in this case, given that the Supreme Court makes a clear distinction in relation to quashing of proceedings in relation to offences having a predominantly civil character and those that are heinous and serious in nature. The relevant portions of the judgment are as follows:

> *"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:*

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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.

xxx xxx xxx"

(Emphasis Supplied)

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12. Further, in the case of ***State of Madhya Pradesh Versus Laxmi Narayan and Others, (2019) 5 SCC 688***, the Supreme Court categorically held that certain offences, such as those under the Arms Act, are to be treated as crimes against society, and set out the factors for determining whether proceedings involving such offences may be quashed. The relevant observations of the Supreme Court are as under:

> *"xxx xxx xxx*
>
> *15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*
> *15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*
> *15.2. Such power is not to be exercised in those prosecutions which involved 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;*
> *15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;*
> *15.4.* ***Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC***

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in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

xxx xxx xxx"

(Emphasis Supplied)

13. In view of the aforementioned judgments and the submissions made before this Court, the present petition cannot be allowed as the allegations against the petitioners are very serious. Attempting to rob a person at gunpoint is a crime against society, and such crimes cannot be condoned merely because the concerned parties have allegedly settled.

14. Accordingly, considering the facts and circumstances of the present case, this Court does not find this to be a fit case for quashing.

15. The present petition, along with the pending application, is dismissed and disposed of.

MINI PUSHKARNA, J

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