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

\# **CNR No. DLHC010516512026**

\+ CRL.M.C. 8063/2026

ANIL KUMAR .....Petitioner

Through:

versus

STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Shoaib Haider, APP for the State with SI P. Buno, PS Kalyan Puri.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 28.10.2026

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks quashing of FIR No. 629/2013 dated 25th October, 2013, registered at P.S. Kalyanpuri under Sections 308/34 of the Indian Penal Code, 1860,[2] and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that on 25th October 2013, at about 4:30 PM, the complainant/Respondent No. 2, Rahul, approached the Petitioner, Anil, to recover the remaining ₹1,000 out of a loan of ₹1,500, of which Anil had repaid ₹500. Anil allegedly abused him and called his associates, namely Suraj, Babloo and Vijay. They allegedly assaulted the complainant and pelted him with bricks, causing injuries to his head, right hand and other parts of his body. One Lakshmi also sustained injuries during the incident. The complainant was initially taken to LBS Hospital and was subsequently

[1] "BNSS"

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referred to GTB Hospital for further treatment. The MLCs recorded injuries consistent with an assault, and the police registered the FIR. Upon completion of investigation, a charge-sheet was filed under Sections 308 and 34 of the IPC against the Petitioner, while Suraj, Babloo and Vijay were not charge-sheeted.

3. The parties state that, with the intervention of family, friends and other respectable members of society, they have amicably resolved their dispute, and Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. Pursuant to this settlement, a Settlement Deed dated 26th September, 2026 was executed between the parties, a copy whereof is on record. The parties state that they have resolved their disputes voluntarily, without any force, coercion, undue influence or misrepresentation. Respondent No. 2 has also undertaken to cooperate in the proceedings for quashing of the FIR.

4. The Complainant/Respondent No. 2, identified by the IO, unequivocally states that he does not wish to pursue the FIR proceedings. He confirms that the settlement has been arrived at voluntarily, without any pressure or coercion. The Petitioner has also joined the proceedings in person. In light of the amicable resolution between the parties, the parties seek quashing of the subject FIR and all proceedings emanating therefrom.

5. The Court has considered the submissions of the parties. Notably, the offence under Section 308 of the IPC is non-compoundable.

6. It is well settled that the power of the High Court under Section 482 of the Code of Criminal Procedure, 1973[3] [corresponding to Section 528

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[2] "IPC"
[3] "Cr.P.C."

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BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 Cr.P.C. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution. The guiding considerations are whether such exercise would secure the ends of justice or prevent abuse of the process of the Court. While exercising this power, the Court must have due regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***[4], the Supreme Court has reiterated these principles and held that, in appropriate cases, the Court may quash the proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak and continuation of the criminal proceedings would serve no useful purpose.

7. Although the offence under Section 308 IPC involves considerations beyond a purely personal dispute, the Court must also consider the specific circumstances of the present case. Respondent No. 2 has appeared before this Court and stated that the FIR was registered due to a misunderstanding. He has further stated that the Petitioner is his relative and that he has no grievance or complaint against him. These statements assume significance in assessing whether the continuation of the prosecution is likely to serve any meaningful purpose, particularly when the complainant himself no longer attributes any grievance to the Petitioner.

8. In view of the stand taken by Respondent No. 2, the relationship between the parties and the circumstances in which the FIR came to be registered, the possibility of the prosecution culminating in a conviction

[4] (2014) 6 SCC 466.

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appears remote. Having regard to the peculiar facts of the present case, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose and would not advance the interests of justice.

9. In view of the above and the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of BNSS to secure the ends of justice.

10. Accordingly, the petition is allowed. FIR No. 629/2013, registered at P.S. Kalyanpuri, along with all consequential proceedings emanating therefrom, is hereby quashed.

11. However, since the State machinery was set in motion on account of the subject FIR, it is appropriate to impose costs on the parties. Accordingly, both the parties are directed to deposit INR 2500/- with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of payment be deposited with the concerned IO within two weeks thereafter.

12. The parties shall abide by the terms of settlement.

13. The petition is disposed of in the above terms.

SANJEEV NARULA, J

OCTOBER 28, 2026/*ng*

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