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

+ **CRL.M.C. 5176/2025 & CRL.M.A. 3987/2026**

ALBERT BANSALA AND ORS

.....Petitioners

Through: Mr. Azad Bansala and Ms. Prapriti
Rastogi, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Hitesh Vali, APP with SI
Sandeep Kumar, PS Vasant Kunj.
Mr. Vasanth Rajasekaran, Senior
Standing Counsel, JNU; Mr. Karan
Prakash, and Mr. Harshvardhan
Korada, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.02.2026**

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 ["CrPC"]), seeking quashing of FIR No. 273/2019 dated 01.12.2019, registered at Police Station Vasant Kunj North, District South West, Delhi, under Sections 323/506/34 of the Indian Penal Code, 1860, ["IPC"] and Section 3 of the Prevention of Damage to Public Property Act, 1984, ["PDPP Act"] and all proceedings emanating therefrom, on the ground of settlement.

2. Petitioners No. 1 to 7 are present on video conference, and are identified by their learned counsel, Mr. Azad Bansala, as well as by the Investigating Officer ["IO"]. Petitioner No. 8, Ms. Aishe Ghosh, is also present on video conference and is identified by Mr. Bansala. Respondent



No. 2 is represented by its Registrar.

3. Respondent No.2/Jawaharlal Nehru University [“JNU”] through its then Registrar lodged a complaint before Police Station Vasant Kunj North on 29.11.2019 alleging that the petitioners (students and former students of JNU) while protesting against fee hike, indulged in acts of vandalism and illegally occupied the Administrative building. On the basis of the said complaint, the subject FIR was registered.

4. Upon completion of investigation, a chargesheet was filed on 04.07.2023. The learned Metropolitan Magistrate, Patiala House Courts, Delhi, took cognizance of the offences as mentioned in the chargesheet on 18.05.2024. The petitioners received summons to appear before the learned Judicial Magistrate First Class, Patiala House Courts, Delhi [“JMFC”] who, on 13.02.2025 [in Criminal Case No. 432/2024], suggested settlement as some of the petitioners were students and the others had moved on in life and resided in various parts of the world. In view thereof, on 06.03.2025, learned counsel for JNU submitted before the JMFC that the University had agreed to compounding of offences in the interest of the students.

5. Pursuant to the order dated 27.11.2025, a short affidavit filed by Professor Ravikesh (presently working as the Registrar) on behalf of respondent No. 2 has also been handed over in Court today, and is taken on record. It is stated therein that respondent No. 2 had voluntarily compromised the disputes with the present petitioners, and in similar matters arising out of FIR Nos. 83/2017 and 273/2019, concerned students tendered apologies which were accepted by the Vice-Chancellor of JNU.



10. Although the offence under Section 3 of PDPP Act is non-compoundable, 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.

6. 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 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

7. In the present case, the dispute arises out of a student protest relating to a fee-hike issue within the campus of respondent No. 2—University, during which allegations of vandalism and obstruction were made. The incident does not stem from any personal animosity or private criminal intent, but from a campus-related agitation involving students of the University. Applying the principles laid down by the Hon’ble Supreme Court with respect to quashing of criminal proceedings on the basis of compromise, it is noteworthy that respondent No. 2, through its Registrar, has categorically affirmed before this Court the voluntary nature of the compromise and the absence of any subsisting grievance. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

8. Having regard to the above discussion, the petition is allowed. FIR No. 273/2019 dated 01.12.2019, registered at Police Station Vasant Kunj

⁴ Emphasis supplied.



North, Delhi, under Sections 323/506/34 of IPC and Section 3 of PDPP Act, and all proceedings emanating therefrom, are hereby quashed.

9. The petition, alongwith the pending application, thus stands disposed of.

PRATEEK JALAN, J

FEBRUARY 5, 2026

SS/JM/