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

+ CRL.M.C. 5810/2025 & CRL.M.A. 24837/2025

SANJAY DAMEER & ANR.Petitioners

Through: Mr. Himanshu Makkar, Advocate.

versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Hitesh Vali, APP with Mr.
Samar Pratap, Advocate.

SI Jitender

Mr. Prem Singh, Advocate for
respondent No. 2.

+ CRL.M.C. 5815/2025 & CRL.M.A. 24843/2025

SUSHMA & ANR.Petitioners

Through: Mr. Prem Singh, Advocate.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP with Mr.
Samar Pratap, Advocate

SI Jitender.

Mr. Himanshu Makkar Advocate
for respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.02.2026

1. The present petitions are 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



two cross-FIRs, being FIR No. 159/2010 [subject matter of CRL.M.C. 5810/2025] dated 20.04.2010 under Sections 308/327/341/504/506/509/120B/34 of the Indian Penal Code, 1860 [“IPC”] and FIR No. 132/2009 [subject matter of CRL.M.C. 5815/2025] dated 15.04.2009 under Sections 323/341/354/452/34 of the IPC. Both FIRs are registered at Police Station Mukherjee Nagar, District North West, Delhi. The petitions are founded on a compromise arrived at between the parties, and the respective complainants in the two FIRs have been arrayed as respondent No. 2 in both the petitions.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State in both petitions. Mr. Prem Singh, learned counsel, accepts notice on behalf of respondent No. 2 in CRL.M.C. 5810/2025. Notice is also accepted by Mr. Himanshu Makkar, learned counsel, on behalf of respondent No. 2 in CRL.M.C. 5815/2025.

3. The petitions are taken up for hearing together with the consent of learned counsel for the parties.

4. The parties were neighbours residing in the same building in Bhai Parmanand Colony, Mukherjee Nagar, Delhi, and the dispute arose from long-standing quarrels over construction and use of common area.

5. In CRL.M.C. 5810/2025, FIR No. 159/2010 was registered under Sections 308/327/341/504/506/509/120B/34 of the IPC at P.S. Mukherjee Nagar pursuant to Court directions under Section 156(3) of the CrPC, on the complaint of Ved Prakash and Sushma, alleging long-standing harassment by their neighbours Sanjay Dameer and Rajni over use of common areas in the building. They alleged threats, abuse, wrongful



restraint and assault, including an incident on 14-15.04.2009 where they were allegedly beaten with rods/hockey sticks, causing head injuries. Upon completion of investigation, a chargesheet was filed. On 07.04.2016, the Trial Court found *prima facie* material and framed charges only under Sections 323/341/506/34 of the IPC. No charges have been framed under Section 308 of the IPC.

6. In CRL.M.C. 5815/2025, FIR No. 132/2009 was registered under Sections 323/341/354/452/34 of the IPC at P.S. Mukherjee Nagar on the complaint of respondent No. 2, alleging assault and outraging of modesty by her neighbours Ved Prakash, Vijay Sigal, Vinod, and Sushma on 14-15.04.2009. Upon completion of investigation, a chargesheet was filed against the four accused. During the pendency of criminal proceedings, accused Vinod expired. By order dated 06.01.2015, the Trial Court framed charges under Sections 323/354/506/451/34 of the IPC against the petitioners herein and Ved Prakash. Subsequently, proceedings against Ved Prakash also stood abated due to his demise on 23.02.2021.

7. The parties seek quashing of the FIRs on the ground that they have now decided to bury the hatchet. To this effect, the complainants in both cases have filed no-objection affidavits signifying their consent to the quashing of the respective FIRs, which have been placed on record.

8. All parties are present in Court and are identified by the Investigating Officer and by their learned counsel. The parties have confirmed before the Court that they have settled their disputes, and do not wish to proceed with the criminal proceedings against each other.

9. 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.

10. 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 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

¹ (2012) 10 SCC 303.



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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

11. Applying the principles to the present case, it appears to me to be a fit case in which the inherent power of this Court can be used to quash the cross-FIRs. The present matters arise out of a long-standing neighbourhood dispute between two families who were residing in the same building in Bhai Parmanand Colony, Mukherjee Nagar. The matters have remained pending for over fifteen years. I am informed by learned counsel for the parties that the parties continue to reside in the same locality. The allegation under Section 354 of the IPC appears to have arisen out of a misunderstanding between them. The injuries suffered by the parties as per the MLCs are simple in nature. I am satisfied that no heinous criminality is involved in the present case. Two of the accused, namely Ved Prakash and Vinod, have also expired during the pendency of proceedings. Quashing of the FIRs, in these circumstances, would permit the parties to live in peace and harmony, rather than compounding the animosity. As the parties have amicably settled their disputes, it is also unlikely that further proceedings would result in convictions. Continuation of criminal proceedings in the present FIRs would, in my view, be an unnecessary diversion of judicial resources.



12. The petitions are, therefore, allowed, and all proceedings emanating from FIR No. 159/2010 [subject matter of CRL.M.C. 5810/2025] dated 20.04.2010, registered under Sections 308/327/341/504/506/509/120B/34 of the IPC at P.S. Mukherjee Nagar, District North West, Delhi, and FIR No. 132/2009 [subject matter of CRL.M.C. 5815/2025] dated 15.04.2009, registered under Sections 323/341/354/452/34 of the IPC, at P.S. Mukherjee Nagar, are hereby quashed.

13. However, having regard to the nature of the disputes, and the time spent in the investigation and litigation, this order is subject to deposit of costs of Rs.15,000/- collectively by the petitioners in each case, with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch] within a period of 2 weeks from today. A compliance affidavit in this regard be filed within one week thereafter.

14. The petitions, alongwith the pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

FEBRUARY 27, 2026
Sh/JM/

⁴ Emphasis supplied.