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

\# **CNR No. DLHC010675832025**

\+ CRL.M.C. 6497/2025 CRL.M.A. 27384/2025

AMAN SETH AND ORS .....Petitioners

Through: Mr. Shiv Sahay, Mr. Mukesh Kumar Suman and Mr. Santosh Kumar Singh, Advs.

versus

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

Through: Mr. Naresh Kumar Chahar, APP for the State
SI Manjit Singh, ASI Neeraj, PS Punjabi Bagh

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 29.10.2026

CRL.M.A. 27384/2025 (for exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

CRL.M.C. 6497/2025

3. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [‘BNSS’] seeking quashing of FIR No.0217/2023 registered at Police Station Punjabi Bagh under Sections 307/120B/34 of the Indian Penal Code, 1860 [‘IPC’] and Sections 25/27 of the Arms Act [‘subject FIR’] and all consequential proceedings

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arising therefrom.

4. The facts which led to the registration of the FIR as set out in the chargesheet read as under:

> "Briefly stated facts of the case are that on 06/05/2023 a MLC Vide No.1159/23 got received from Acharya Bahikshu Govt. Hospital wherein it was alleged that Pt. Sanjay Soni S/o Shyam Sunder R/o WZ-30 A, Chhanamal Park, Delhi Age 35 Years was admitted at this hospital Vide MLC number as above with alleged **history of Physical assault, stab injury/Fire arm injury** and the information was recorded vide GD No.19 A dated 06/05/2023 and entrusted to me for further necessary action. I along with SI Rohan Marwah reached at ABG Hospital where it was revealed that the Patient was shifted to RML Hospital for better management thereafter we went RML Hospital and recorded the statement of the Victim Sanjay Soni, in which he has stated that **today at about 8/15 AM when he was coming to his house after purchasing Chicken from Daya Basti Market and when he had just crossed the Rampura Nullah on Rohtak Road near his house someone had shot him on his back with Fire Arm** and also he had seen that three Persons on Red and Black color Motorcycle had shot him from behind and fled away from the spot and **luckily Bullet had passes through his body and he has been able to survive** initially he had not revealed about the three Motorcycle Born assailants but later on he has disclosed about the same and the present case has been registered and Investigation has been taken up by the under signed."

5. Learned APP for the State submits that the investigation has revealed that the Petitioner no. 1 had fired a gun at Respondent No. 2 and luckily the bullet pierced through Respondent No. 2's body and therefore he survived. The entry has been opined as grievous.

5.1. He states that the investigation has revealed that Petitioner Nos. 1, 3 and 4 had been hired by Petitioner No. 2 to kill Respondent No. 2. He states that Petitioner No.2 is the wife of Respondent No. 2. He states that, in fact,

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Petitioner No. 1 is a paramour of Respondent No. 2 and they were living together at the time of the arrest. He states that this is a case of 'contract killing' and therefore the allegations are grave.

5.2. He relies upon the judgment of the Supreme Court in the State of **Madhya Pradesh v. Laxminarayan**[1] and submits that the allegations are grave and such matters are not for quashing based on a settlement**.**

5.3. He submits that the charge-sheet has already been filed and the charges have been framed in the year 2024.

5.4. He states that, however, the recording of prosecution evidence has not proceeded due to the pendency of this petition.

5.5. He states that the State has objection to the relief for quashing of the subject FIR giving the seriousness of the crime.

6. Learned counsel for the Petitioner states that Petitioner No. 2 and Respondent No. 2 are still married.

6.1. He submits that notwithstanding the submissions of the learned APP, in view of the fact that a settlement has been arrived at, this Court ought to quash this FIR.

7. This Court has considered the submissions of the parties and perused the record.

8. While it is well settled that, even in cases involving non-compoundable offences, the High Court may invoke its inherent jurisdiction,

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as recognised under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], to quash criminal proceedings based on a compromise arrived at between the parties, the exercise of such jurisdiction remains discretionary. In this regard, certain guiding principles have been evolved to assist the Court in the adjudication of applications of this nature. In **Narinder Singh and Ors. v. State of Punjab and Anr**[2], after examining the decision in **Gian Singh v. State of Punjab**[3] and several other decisions concerning Section 307 of the IPC, the Supreme Court held as follows:

> "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:
> …
> 29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC 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 proving 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. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of

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[1] (2019) 5 SCC 688 refer to paragraph 15.4
[2] (2014) 6 SCC 466
[3] (2012) 10 SCC 303

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> conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.
>
> …"
>
> [Emphasis Supplied]

9. In the judgment of **Laxmi Narayan** (supra), a three-judge Bench of the Supreme Court reaffirmed the principles governing the exercise of inherent powers under Section 482 of the CrPC. While setting aside an order quashing proceedings against the accused for offences punishable under Sections 307 and 34 of the IPC, the Court observed that the High Court ought to have scrutinised the entire conspectus of facts, including the medical evidence, the nature of the dispute, the nature of weapons used, as well as the conduct of the accused, rather than relying solely upon a compromise between the complainant and the accused.

10. The allegations in this case that Petitioner No. 2 i.e., wife of Respondent No. 2 hired three persons to kill him, if proven true, disclose a grave and premeditated conspiracy against Respondent No. 2's life, which cannot be treated as a mere matrimonial or private dispute. The subsequent settlement between the parties does not diminish the seriousness of the alleged conduct of the Petitioner or its impact on society. In these circumstances, quashing the FIR solely on the basis of settlement would be contrary to the overriding public interest in prosecuting serious offences. This Court is, therefore, not inclined to exercise its inherent extraordinary

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jurisdiction to quash the subject FIR on that grounds of settlement.

11. This Court has perused the settlement agreement dated 29.07.2025, which contains three clauses and it is not discernible as to what is the basis of this purported settlement.

12. The petition is accordingly dismissed. The FIR and criminal proceedings be proceeded against the accused and they shall be dealt with in accordance with law.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihigsshcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 29, 2026/msh

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