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

+ CRL.M.C. 7153/2025 CRL.M.A. 30044/2025

AKBAR KHAN & ORS.

.....Petitioner

Through: Mr. Aabid Ujer and Mr. Raj
Kumar, Advocates alongwith
Petitioners in Person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondent

Through: Ms. Manjeet Arya, APP alongwith
Mr. Abhimanyu Arya, Advocate.
ASI Mohd. Javed, PS Zafrabad.
Ms. Saira Bano, Advocate for R2
alongwith R2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.04.2026**

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, 1973 ["CrPC"]), seeking quashing of FIR No. 292/2023 dated 20.06.2023, registered at Police Station Jafrabad, District North-East, Delhi, under Sections 323/354/354B/509/34 of the Indian Penal Code, 1860 ["IPC"]. The petition is founded on a compromise arrived at between the parties.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Saira Bano, learned counsel, accepts notice on behalf of respondent Nos. 2 and 3.



3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. The impugned FIR was registered at the instance of respondent No.2 against the family members of her husband [respondent No. 3 herein], who are stated to reside in the same household. It appears that the dispute arose from an altercation concerning a water pump. Upon completion of the investigation, a chargesheet was filed.
5. The parties seek quashing of the FIR on the ground that they have now decided to bury the hatchet. To this end, they have entered into settlement dated 30.06.2025.
6. In view of the aforesaid, the parties seek quashing of the impugned FIR.
7. The parties are present in Court and have been duly identified by the Investigating Officer, as well as by their respective learned counsel.
8. The settlement does not entail any monetary consideration, and records that respondent No. 2 does not wish to pursue the criminal proceedings. Respondent No. 2, who is present in Court and represented by counsel, states that the allegations under Sections 354 and 354B of the IPC arose out of a misunderstanding, and that she does not wish to pursue the same. An affidavit, affirming her no-objection to the quashing of the impugned FIR and all consequential proceedings arising therefrom, has also been placed on record.
9. Although the offences under Sections 354 and 354B of the IPC are non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of the BNSS [corresponding to Section 482 of the 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. In *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], the Supreme Court 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 prescribed.”

[Emphasis supplied.]



Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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.

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.”

[Emphasis supplied.]

11. In the present case, the impugned FIR arose out of domestic quarrel amongst family members. Respondent No. 2 has stated that the allegations under Sections 354/354B of the IPC arose on account of misunderstandings, and that she does not wish to pursue the same. The allegations, therefore, do not implicate any larger public interest or involve grave criminality. The parties have also agreed to bury the hatchet.

12. Applying the principles laid down by the Supreme Court, it is pertinent to note that respondent No. 2 also affirmed the voluntary nature of the settlement before the Court. In these circumstances, the continuation of criminal proceedings is unlikely to result in a conviction and would serve no useful purpose, while merely adding to the burden on the justice system and causing unnecessary consumption of public resources.

13. The petition is, therefore, allowed, and all proceedings emanating from FIR No. 292/2023 dated 20.06.2023, registered at Police Station Jafrabad, District North-East, Delhi, under Sections 323/354/354B/509/34 of the IPC, are hereby quashed.

14. The petition, alongwith pending application, stands disposed of.

PRATEEK JALAN, J

APRIL 27, 2026
‘pv/KA’/