



\$~171 & 172

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

+ CRL.M.C. 9101/2024

ASHISH KUMAR MISHRA AND ORSPetitioners

versus

STATE OF NCT OF DELHI AND ORS.Respondents

+ CRL.M.C. 162/2025

SUNIL SHARMA & ANR.Petitioner

versus

STATE OF NCT OF DELHI & ANR.Respondent

Appearances: Mr. Hitesh Vali, APP for the State alongwith Insp. Chandra Prakash, P.S. DIU/South.
Mr. Vivek Sood, Sr. Advocate with Ms. Geetika Verma, Mr. Harsh Kumar and Mr. Sunil Yadav, Advocates for petitioners in item 171 and for respondent No. 2 in item 172.
Mr. Neeraj Gupta and Ms. Tajinder Kaur, Advocates for petitioners in item 172 and for respondent Nos. 2 to 4 in item 171.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **15.01.2026**

CRL.M.A. 34889/2024 in CRL.M.C. 9101/2024 & CRL.M.A. 861/2025 in CRL.M.C. 162/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.



CRL.M.A. 34890/2024 in CRL.M.C. 9101/2024 (for condonation of delay in re-filing)

This is an application seeking condonation of delay of 50 days in re-filing of the petition.

For the reasons stated, the application is allowed, and the delay in is condoned.

The application stands disposed of.

CRL.M.C. 9101/2024 & CRL.M.C. 162/2025

1. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Notice is accepted by Mr. Neeraj Gupta, learned counsel, on behalf of the complainant in CRL.M.C. 9101/2024. Notice is accepted by Mr. Vivek Sood, learned Senior Counsel, on behalf of the complainant in CRL.M.C. 162/2025.
2. The present petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Criminal Procedure Code, 1973 ["CrPC"]) seek quashing of two FIRs, being FIR No. 577/2015 [subject matter of CRL.M.C. 9101/2024] and FIR No. 576/2015 [subject matter of CRL.M.C. 162/2025]. Both FIRs are dated 30.05.2015, and were registered at Police Station Hauz Khas, New Delhi. FIR No. 577/2015 is registered under Sections 324/509/34 of the Indian Penal Code, 1860 ["IPC"], and FIR No. 576/2015 under Sections 323/341/427/34 of the IPC. The petitions are founded on a settlement arrived at between the parties. The respective complainants in the two FIRs, have been arrayed as respondent No. 2 in each petition.
3. The petitions are taken up for hearing together with the consent of learned counsel for the parties.



4. The cross-FIRs have been filed by neighbours, against each other. Both arise out of an incident which took place on 29.05.2015. In FIR No. 577/2015, the allegation against the accused petitioners in CRL.M.C. 9101/2024, viz. Ashish Kumar Mishra, Alok Kumar, and Abhinav Sharma, is that they misbehaved with the complainant's wife [respondent No. 4 therein] and Guddu Sharma [respondent No. 3 therein], and attempted to hurt the complainant with a knife, leading to an injury in his right upper limb. On the other hand, in FIR No. 576/2015, the allegation against the accused petitioners in CRL.M.C. 162/2025, viz. Sunil Sharma and Guddu Sharma, is that the complainant alongwith his friends was standing near their car, when Guddu Sharma was allegedly staring at them, and upon being asked why, the petitioners started beating them with bats and also broke the car's glass. Chargesheets have also been filed.
5. Learned counsel for the parties submit that the dispute between the parties arose out of misunderstanding, and the parties have settled the disputes amicably.
6. The Medico-Legal Certificate in both the cases show simple injuries.
7. The present petitions have now been filed for quashing of the FIRs, as regards certain non-compoundable offences.
8. I have heard learned counsel for the parties. All parties are present 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. Even in the case of non-compoundable offences, the Supreme Court has held that, in appropriate cases, the Court may quash the FIR on the ground of settlement. 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.]

10. The present case is one of dispute between neighbours, which has



been settled by way of a compromise. The allegations do not pertain to heinous offences, and the Medico-Legal Certificate in both cases revealed simple injuries. This appears to me to be a fit case, in which inherent power of this Court can be used to quash the cross-FIRs. Such an order would permit the parties to live in peace and harmony, rather than compounding the animosity.

11. As the parties have settled their disputes, and have affirmed the voluntary nature of the settlement, 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. 577/2015 under Sections 324/509/34 of the IPC, and FIR No. 576/2015 under Sections 323/341/427/34 of the IPC, both dated 30.05.2015, registered at Police Station Hauz Khas, are hereby quashed.

13. The petitions stand disposed of.

PRATEEK JALAN, J

JANUARY 15, 2026

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