



\$~28 & 29

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

+ CRL.M.C. 7535/2025
TUNDI AND ANR

.....Petitioners

versus

THE STATE NCT OF DELHI AND ORS

.....Respondents

+ CRL.M.C. 7541/2025
SNEHA AND ANR

.....Petitioners

versus

THE STATE NC OF DELHI AND ORS

.....Respondents

Appearance:

Mr. Vipin Rajawat and Mr. Vikas Negi, Advocates for petitioners in Item No.28.

Mr. G.K. Chauhan, Advocate for petitioner in Item No.29.

Ms. Manjeet Arya, APP.

SI Vikas and ASI Rakesh.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.02.2026**

1. The present petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973) seek quashing of two FIRs, namely, FIR No. 457/2025 dated 08.08.2025 registered for offences punishable under Sections 115/126/110/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] [subject matter of CRL.M.C. 7535/2025] and FIR No. 458/2025 dated 08.08.2025 registered for offences punishable under Sections



115/126/110/3(5) of the BNS [subject matter of CRL.M.C. 7541/2025], along with all consequential proceedings arising therefrom. Both FIRs were registered at Police Station Pahar Ganj, Delhi, and the relief is sought on the basis of a settlement arrived at between the parties.

2. The two FIRs are cross-cases filed by parties who know each other, as they used to run a food cart and a fruit cart, respectively, at the same location. Both FIRs arise from the same incident dated 07.08.2025.

3. The incident occurred on 07.08.2025 at about 10:30 PM in front of Worth Hotel, Krishna Market, Main Bazar, Paharganj, Delhi, when the parties got into a dispute regarding the placement of the food cart.

4. In FIR No. 457/2025 [subject matter of CRL.M.C. 7535/2025], the petitioners are arrayed as accused at the instance of respondent Nos. 3 to 6 therein; however, in FIR No. 458/2025 [subject matter of CRL.M.C. 7541/2025], those very respondent Nos. 3 and 6 of CRL.M.C. 7535/2025 are the petitioners, and the petitioners in CRL.M.C. 7535/2025 are arrayed as respondent Nos. 3 and 4 therein.

5. Each side alleges that the other, alongwith their respective family members, assaulted them with sticks during the altercation, causing injuries.

6. Medico-Legal Case [“MLC”] were prepared at LHMC Hospital noting lacerations and abrasions. The MLC reports in both cases, however, indicate that the injuries sustained by the parties are simple in nature.

7. It is also noted that, as on date, the charge-sheet has not been filed in either case.

8. During the pendency of the present proceedings, with the



intervention of common friends and neighbours, the parties have settled their disputes amicably by way of a Memorandum of Understanding dated 28.08.2025, without any monetary consideration. Affidavits of the respective complainants have been placed on record, affirming the voluntary nature of the settlement and conveying their no objection to the quashing of the impugned FIRs and all consequential proceedings.

9. I have heard the learned counsel for the parties. The parties are present in Court and have been duly identified by the Investigating Officer as well as by their respective counsel. It is submitted that the disputes in both FIRs arose from a minor disagreement regarding the placement of the food cart on 07.08.2025. The parties have amicably resolved their differences and do not wish to pursue the criminal proceedings any further. They continue to operate their businesses in the same locality and desire to maintain cordial relations and peace, without any ongoing animosity.

10. In light of the aforesaid, the parties seek quashing of the impugned FIRs.

11. It is well settled that, even in respect of non-compoundable offences, the High Court may, in appropriate cases, exercise its inherent powers to quash criminal proceedings on the basis of settlement between the parties. In *Gian Singh v. State of Punjab and Anr.*¹, 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

¹ (2012) 10 SCC 303.



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.”²

Further, in *Narinder Singh and Ors. v. State of Punjab and 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

² Emphasis supplied.

³(2014) 6 SCC 466.



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.”⁴

12. The present matters arise from cross-FIRs filed by parties known to each other, stemming from the same incident on 07.08.2025, which appears to have arisen from a minor disagreement regarding the placement of the food cart. The injuries recorded in the MLCs are simple in nature. The parties have since amicably resolved their differences

⁴ Emphasis supplied.



through a Memorandum of Understanding dated 28.08.2025 and have filed affidavits confirming that the settlement was entered into voluntarily, without any coercion or undue influence.

13. Having regard to the nature of the dispute, the simple injuries involved, the absence of any larger societal impact, and the voluntary settlement arrived at between the parties, I am of the view that continuation of the criminal proceedings would serve no useful purpose and is unlikely to culminate in conviction. Rather, it would amount to an unnecessary expenditure of judicial time and would impede the restoration of harmony between the parties. This Court, therefore, considers it a fit case for exercise of its inherent powers under Section 528 of the BNSS to secure the ends of justice and to prevent abuse of the process of law.

14. Accordingly, the petitions are allowed. FIR No. 457/2025 dated 08.08.2025 registered under Sections 115/126/110/3(5) of the BNS at Police Station Pahar Ganj, and FIR No. 458/2025 dated 08.08.2025 registered under Sections 115/126/110/3(5) of the BNS at Police Station Paharganj, alongwith all consequential proceedings emanating therefrom, are hereby quashed.

15. The parties shall remain bound by the terms and conditions of the settlement.

16. The petitions, alongwith any pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

FEBRUARY 13, 2026/‘pv’/SD/