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

+ CRL.M.C. 8220/2025 & CRL.M.A. 34303/2025

KAILASH CHAND & ORS.Petitioners

Through: Mr. Rahul Ranjan, Advocate.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Manjeet Arya, APP. SI Satbir Singh, PS-Najafgarh.

Appearance not given for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.02.2026

1. The petitioners have approached this Court 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. 620/2021 dated 07.12.2021, registered at Police Station Najaf Garh, Delhi, for offences punishable under Sections 308/506/34 of the Indian Penal Code, 1860 ["IPC"], along with all proceedings emanating therefrom, on the ground that the disputes between the parties have been amicably settled.
2. The petition is taken up for disposal with the consent of learned counsel for the parties.
3. The petitioners, as well as respondent No. 2, are present before the Court and have been duly identified by their respective learned counsel



and by the Investigating Officer.

4. Petitioner No.1 is the father of petitioner Nos. 2 and 3. The impugned FIR was registered at the instance of respondent No.2, who is a neighbour of the petitioners. The allegations arise out of a dispute in the locality where the parties reside, which is stated to have originated over parking. In the course of the incident, the complainant sustained injuries.

5. The disputes between the parties were subsequently resolved through an amicable settlement *vide* memorandum of Understanding dated 22.12.2021. The settlement contemplated reimbursement of medical expenses incurred by respondent No. 2.

6. In light of the aforesaid, the petitioners have approached this Court seeking quashing of the impugned FIR.

7. Although the injuries are recorded to be grievous, respondent No.2 is present in Court, and states that the injuries have not had lasting consequences and that he does not object to the FIR being quashed. He submits that the incident happened on the spur of the moment.

8. Although the offence under Section 308 of IPC is non-compoundable, the Supreme Court has consistently held that, notwithstanding the non-compoundable nature of an offence, the High Court possesses jurisdiction to quash criminal proceedings in appropriate cases where the parties have amicably settled their disputes.

9. 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

¹ (2012) 10 SCC 303.



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.”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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

⁴ Emphasis supplied.



10. In the present case, it is evident that the parties were known to each other and were residents of the same locality. The proceedings stem from a dispute over parking, during the course of which injuries were sustained by the complainant. No overriding public interest is discernible in permitting the continuation of the criminal proceedings, which arise from a private dispute between neighbours, and stand fully resolved. In the light of these facts, it is evident that the continuation of criminal proceedings is unlikely to result in any conviction, and would serve no practical purpose, amounting merely to a formal exercise that would unnecessarily burden the administration of justice and expend public resources.

11. In view of the foregoing, the petition is allowed. Accordingly, FIR No. 620/2021 dated 07.12.2021, registered at Police Station Najaf Garh, Delhi, for offences punishable under Sections 308/506/34 of IPC along with all proceedings emanating therefrom, is hereby quashed.

12. Having regard to the circumstances giving rise to the impugned FIR, I accept the suggestion of Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, that this is a fit case for imposing an order of costs and community service upon the petitioners. The petitioners are directed to deposit cost of litigation of Rs.20,000/- with Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch]. The petitioners are directed to report to the Medical Superintendent, Dr. Ram Manohar Lohia Hospital on 14.02.2026 at 11:30 AM. The Medical Superintendent is requested to give duties to the petitioners for four hours a day, on every Sunday over the next four months. The petitioners are directed to file a



compliance affidavit alongwith a certificate from the hospital by 31.08.2026.

13. The parties shall remain bound by the terms of the settlement.

14. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 2, 2026

SS/AD/