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

+ **CRL.M.C. 8752/2025**

ZOBIYA TAJ & ORS.

.....Petitioner

Through: Mr. Amjad Khan, Mr. Sumit
Kumar and Mr. Shivam Anand,
Advocates

versus

STATE NCT OF DELHI AND ORS

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
for State with IO.
Mr. Amit Khawal with R-2 and 3
in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.02.2026**

1. The petitioners have filed the present petition seeking quashing of FIR No. 274/2024 dated 10.11.2024 registered at Police Station Shaheen Bagh under Sections 76, 329(4), 121(2) and 3(5) of the Bharatiya Nyaya Sanhita, along with all proceedings emanating therefrom, on the ground of settlement. It is stated that Sections 61(2), 126(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 have subsequently been added.
2. Issue notice. Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Amit Khawal, learned counsel, accepts notice on behalf of respondent Nos.2 and 3.
3. With the consent of learned counsel for the parties, the petition is



taken up for disposal.

4. The allegations as per the FIR are that on 10.11.2024 at about 4:49 PM, when the complainant was present at her residence situated at M-93, Paradise Apartment, Flat No. 2, Abdul Fazal Enclave-I, Shaheen Bagh, Delhi, the electricity supply was disrupted and certain persons came outside her house and called her out. It is alleged that when she opened the gate, the said persons forcibly entered the premises, assaulted her, attempted to outrage her modesty by catching hold of her clothes, dragged her outside, and committed theft of cash, jewellery, documents, ATM card, certificates and other household articles. It is further alleged that the accused persons damaged property, removed belongings from the house and fled the spot.

5. It appears from the record that the parties were in dispute with regard to a transaction for sale and purchase of Plot No. M 93 and M 94, situated at Abdul Fazal Enclave Part-I, Peace Compound, Jamia Nagar, New Delhi – 110025 [“subject property”]. The parties have entered into a settlement, recorded in a Settlement Agreement dated 01.12.2024, by which, *inter alia*, it has been agreed that the petitioner shall pay a sum of Rs.16,00,000/- to respondent No. 2 towards the balance amount in respect of the subject property, and that upon such payment, respondent No. 2 shall hand over peaceful and vacant possession of the premises, alongwith fixtures and furniture, to the petitioner.

6. Pursuant to the order dated 11.12.2025, the affidavit of the complainant has been handed up in Court, and the same is taken on record. A perusal of the said affidavit reveals that the allegations against the petitioners arose out of a misunderstanding and misconception of



facts.

7. Learned counsel for the parties confirm that the settlement has been entered into voluntarily, without any coercion, undue influence, or pressure.

8. In light of the aforesaid, parties seek quashing of the impugned FIR.

9. The petitioners are present in Court and are identified by their learned counsel as well as by the Investigating Officer. Respondent Nos. 2 and 3 are also present in person and are identified by their learned counsel and the Investigating Officer.

10. The Supreme Court has held that, in appropriate cases, the High Courts, in exercise of their inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (corresponding to Section 482 of the Code of Criminal Procedure, 1973), may quash criminal proceedings even in respect of non-compoundable offences on the basis of a compromise between the accused and the complainant, particularly where no overarching public interest is adversely affected.

11. 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 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

¹ 2012 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 offences alleged in the subject FIR emanate from a dispute between the parties in relation to the aforesaid premises and are essentially rooted in personal and property-related differences. As noticed hereinabove, the complainant has affirmed by way of affidavit that the

⁴ Emphasis supplied.



allegations arose out of a misunderstanding and misconception of facts. The dispute thus appears to be private in character, without any element of overriding public interest that would warrant continuation of the criminal proceedings, notwithstanding the settlement arrived at between the parties.

13. The settlement contemplates payment of a sum of Rs. 16,00,000/- to respondent No. 2, and she states that the entire settlement amount has already been received by her. In these circumstances, this Court is satisfied that no useful purpose would be served by allowing the proceedings to continue, and there exists no legal impediment to the grant of the relief sought.

14. In view of the foregoing discussion, the petition is allowed. FIR No. 274/2024 dated 10.11.2024, registered at Police Station Shaheen Bagh under Sections 76, 329(4), 121(2), and 3(5) of the BNS, alongwith all consequential proceedings arising therefrom, is hereby quashed.

15. The parties will remain bound by the terms of the settlement.

16. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 26, 2026

‘SV’/SD/