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

+ **CRL.M.C. 8842/2025**

MOHD SAAD @ MOHD SHADPetitioner

Through: Mr. Arun Kumar, Mr. Mohit
Singh, Advocates.

versus

STATE GOVT. NCT OF DELHI & ANR.Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
with SI Manohar Singh.

Mr. Madhur Tyagi, Advocate with
R2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **30.03.2026**

1. The petitioner has filed this petition 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. 561/2025 dated 08.05.2025, registered at Police Station Sadar Bazar, District North, New Delhi, under Section 118(1) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Madhur Tyagi, learned counsel, accepts notice on behalf of respondent No. 2 – complainant.
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 his son [petitioner herein], who is stated to be hearing and speech impaired. The allegations, as recorded therein, are that at about 12:30 p.m. on 08.05.2025, the petitioner went to the meat shop of respondent No. 2 and, in a fit of rage, struck him on his legs with a knife.

5. The parties have since entered into a settlement, as recorded in a Compromise/Settlement Deed dated 18.11.2025. In light of the aforesaid, they seek quashing of the impugned FIR.

6. The petitioner is present in Court through video conference, and is identified by his learned counsel, as well as by the Investigating Officer. Respondent No. 2 is also present in person, and is identified by his learned counsel and the Investigating Officer.

7. The Compromise/Settlement Deed dated 18.11.2025 records that the impugned FIR arose from mutual differences between the parties, which have since been resolved amicably. Learned counsel for the parties confirm that the settlement has been entered into voluntarily, and without any coercion or undue pressure.

8. Respondent No. 2, who is present in person and represented by counsel, states that he has two children, being the petitioner and a younger daughter, and that he does not wish to pursue the proceedings against the petitioner.

9. Mr. Chauhan submits, upon instructions, that the nature of injuries suffered by respondent No. 2 were simple.

10. Although the offence under Section 118(1) of the BNS is 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.

11. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], 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.]

12. Applying the aforesaid observations of the Supreme Court to the facts of the present case, it may be noted that the parties have reached a compromise amicably and share the closest of relationships, being father and son. Respondent No. 2 has expressly stated that he does not wish to pursue the criminal proceedings. Further, the injuries sustained by him do not appear to be of such a nature as to necessitate the continuation of the criminal proceedings. In view of the position taken by respondent No. 2, it is also unlikely that the dispute would result in a conviction. Continuation of criminal proceedings, in these circumstances, would therefore be a mere formality, adding to the burden of the justice system and unnecessarily consuming public resources.

13. Having regard to the above discussion, the petition is allowed, and FIR No. 561/2025 dated 08.05.2025, registered at Police Station Sadar Bazar, District North, New Delhi, under Section 118(1) of the BNS, alongwith all consequential proceedings arising therefrom, is hereby quashed.

14. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 30, 2026

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