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

+ **CRL.M.C. 9175/2025**

**SHAMIM AKHTAR**

.....Petitioner

Through: Mr. Rahul Tandon, Mr. Tarun  
Kumar Arora, Mr. Pankaj  
Chauhan, Advs. Alongwith  
petitioner in person.

versus

**THE STATE NCT OF DELHI AND ANR.**

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP.  
SI Sanjay Nain, PS-Civil Line.  
Ms. Susheel Bala Dagar,  
complainant through VC.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **17.04.2026**

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks quashing of FIR No. 343/2015 dated 09.09.2015, registered at Police Station Civil Lines, District North, Delhi, under Sections 427/336/506/509/153A of the Indian Penal Code, 1860, ["IPC"] on the basis of compromise.
2. Issue notice. Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor, accepts notice on behalf of the State. Respondent No. 2 appears in person through video conference and declines the assistance of counsel.
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, who is a neighbour of the petitioner.
5. Respondent No. 2 lodged a complaint alleging that on 08.09.2015 at about 10:30 PM, the petitioner threatened her brother and family members outside their residence at Rajpur Road, Civil Lines, Delhi. It was alleged that the petitioner used abusive language, issued threats to kill, and brought a firearm from his house, firing towards the complainant's window and attempting to damage property, including a street light. The complaint further states that similar threats had been extended earlier on 18.07.2015, and the petitioner repeatedly intimidated the family and threatened to incite communal violence. Based on the said complaint, the present FIR was registered at Police Station Civil Lines on 09.09.2015.
6. Upon completion of investigation, chargesheet was filed on 19.11.2016 and the offence under Section 354A of the IPC was added. On 18.09.2024, the Magistrate's Court framed charges against the petitioner under Sections 153A/336/427/506/509 of the IPC.
7. During the pendency of the proceedings, the parties have arrived at an amicable settlement through mutual understanding to withdraw the pending FIR and all consequential proceedings arising therefrom. An affidavit on behalf of respondent No. 2 has been placed on record, wherein it is affirmed that the allegations arose out of a misunderstanding and that respondent No. 2 has no objection to the quashing of the impugned FIR.
8. In light of the aforesaid, the parties have approached this Court seeking quashing of the impugned FIR, alongwith consequential



proceedings.

9. The petitioner is present in Court and is identified the Investigating Officer [“IO”]. Respondent No. 2 is also present through video conference and has been duly identified by the IO.

10. Learned counsel for the parties submit before the Court that the settlement was entered into voluntarily, without force, fraud or coercion, and that continuation of the criminal proceedings would serve no useful purpose.

11. Although the offences under Sections 336/153A of IPC are non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of 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.

12. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*<sup>1</sup> 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 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*

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<sup>1</sup> (2012) 10 SCC 303.



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.”<sup>2</sup>

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*<sup>3</sup>, 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

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<sup>2</sup> Emphasis supplied.

<sup>3</sup> (2014) 6 SCC 466.



*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.”<sup>4</sup>

13. Insofar as the offence under Section 153A of the IPC is concerned, the Courts have consistently held that the said provision is attracted only where there is a clear and intentional act promoting enmity between different groups on grounds such as religion, race, place of birth, residence, language, etc., and where such act has the tendency to disturb public tranquility. Mere allegations of abusive language or private



disputes between individuals, without any element of public disharmony or incitement affecting the community at large, would not suffice to attract the ingredients of Section 153A of the IPC.

14. The Supreme Court in *Bilal Ahmed Kaloo v. State of A.P.*<sup>5</sup> held that in order to invoke Section 153A of the IPC, the intention to promote enmity between different groups must be clearly established and the words or acts complained of must have a tendency to create public disorder or disturbance of law and order. Similarly, in *Manzar Sayeed Khan v. State of Maharashtra*<sup>6</sup>, the Supreme Court observed that the effect of the words must be judged from the standard of a reasonable, strong-minded and courageous person, and not those of weak and vacillating minds. It was further held that there must be a proximate and direct nexus with public disorder for the offence under Section 153A of the IPC to be made out. The same view has been reiterated by the Supreme Court in a recent decision in *Javed Ahmad Hajam v. State of Maharashtra*<sup>7</sup>, wherein the Court allowed the appeal for quashing the impugned FIR and proclaimed that the appellant's statements were not prejudicial to the maintenance of harmony among groups.

15. Applying the aforesaid principles to the present case, it is evident that the dispute between the parties was essentially personal in nature arising out of a neighbourhood discord, and there is no material to demonstrate any deliberate or conscious attempt to promote communal disharmony or enmity by the petitioner so as to attract Section 153A of

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<sup>4</sup> Emphasis supplied.

<sup>5</sup> (1997) 7 SCC 431.

<sup>6</sup> (2007) 5 SCC 1, paragraphs 16 and 17.

<sup>7</sup> (2024) 4 SCC 156, paragraphs 10 and 15.



the IPC. The parties have amicably resolved their differences, no longer reside in the same locality, and wish to move on with their lives. Respondent No. 2/complainant is a judicial officer, who appears in person through video conference, states that she wishes to move on in life peacefully. The petitioner is also a civil servant and has already tendered his apology which has been accepted by respondent No. 2 as noted in her affidavit. There is no allegation of any physical hurt to any person as a result of the incident in question. No overriding public interest would be served by permitting the criminal proceedings, which emanate from a private dispute between neighbours, to continue, particularly when the matter stands fully settled. 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.

16. In view of the foregoing, the petition is allowed. Accordingly, FIR No. 343/2015 dated 09.09.2015, registered at Police Station Civil Lines, District North, Delhi, under Sections 427/336/506/509/153A of the IPC, alongwith all proceedings emanating therefrom, is hereby quashed.

17. The petition is accordingly disposed of.

**PRATEEK JALAN, J**

**APRIL 17, 2026**

*'Bhupi/JM'*