



\$~63

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

+ **CRL.M.C. 114/2026**

ANKUSH PATHAK ALIS SANDESHPetitioner

Through: Mr. S.P. Gairola and Mr. V.K. Sharma, Advocates.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Hitesh Vali, APP with SI Ramesh Chand.

Mr. Anil Sharma, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.02.2026**

1. The petitioner has 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. 835/2021 dated 07.09.2021, registered at Police Station Kotwali, District North, New Delhi, under Sections 354D/506 of the Indian Penal Code, 1860, ["IPC"], alongwith all consequential proceedings emanating therefrom, on the ground of settlement.
2. Notice was issued in the captioned petition *vide* order dated 08.01.2026. Respondent No. 2 is present in person, and is represented by Mr. Anil Sharma, learned counsel.
3. The impugned FIR was lodged at the instance of respondent No. 2 against the petitioner. It was stated therein that the parties had been acquainted for the past five years, and had shared a relationship that had ended approximately two months prior to the filing of the FIR. It was alleged that the petitioner had thereafter been following her and had



threatened to kill her and disfigure her face with a stone. Upon completion of the investigation, a chargesheet was filed.

4. The parties have since amicably settled their disputes, as recorded in a Memorandum of Understanding/Settlement Deed dated 28.05.2025. In view of the aforesaid, the parties seek quashing of the impugned FIR.

5. The parties are present before the Court and have been duly identified by their respective learned counsel as well as by the Investigating Officer.

6. The settlement contemplates payment of a sum of Rs. 25,000/- by the petitioner to respondent No. 2. Respondent No. 2 has filed her affidavit before the Court, and learned counsel confirm that the settlement has been entered into voluntarily, without any force or coercion. Respondent No. 2 also submits that the allegations were born out of a misunderstanding, and that she does not wish to pursue them.

7. Although the offence under Section 354D of the 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. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], which 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.]

8. In the present case, it is evident that the parties were known to each other, and that the proceedings arose from a misunderstanding after they broke up. No overriding public interest is discernible in permitting the continuation of criminal proceedings, which stems from a private dispute, and has since been amicably resolved. Applying the tests laid down by the Supreme Court, it may be observed that respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the continuation of such 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 justice system and expend public resources.

9. The settlement contemplates the payment of a sum of Rs. 25,000/- to respondent No. 2, who states that the said amount has been received by her. There is, therefore, no impediment to the grant of the relief sought.

10. In view of the foregoing discussion, the petition is allowed, and FIR No. 835/2021 dated 07.09.2021, registered at Police Station Kotwali, District North, New Delhi, under Sections 354D/506 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

11. Having regard to the circumstances giving rise to the impugned FIR, I accept the suggestion of Mr. Hitesh Vali, learned Additional Public Prosecutor, that this is a fit case for directing the petitioner to undertake community service. The petitioner is, accordingly, directed to report to the Medical Superintendent, Guru Teg Bahadur Hospital, New Delhi on 25.02.2026 at 11:30 AM. The petitioner shall perform community service for six hours per day for a period of ten days, over the next three months. The Medical Superintendent is requested to assign appropriate duties to the petitioner.

12. The Medical Superintendent is requested to issue a certificate of compliance upon completion of the aforesaid period. The petitioner shall place the same on record within two weeks thereafter.

13. The petition stands disposed of.

PRATEEK JALAN, J

FEBRUARY 19, 2026/‘Bhupi/KA’/