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

+ **CRL.M.C. 477/2026**

AVINASH & ORS.

.....Petitioners

Through: **Mr. S.K. Dayal, Advocate.**

versus

THE STATE GOVT OF NCT OF

DELHI AND ORS

.....Respondents

Through: **Ms. Manjeet Arya, APP for State
with SI Mayank Istwal, PS
Kalyanpuri, Delhi.**

**Ms. Deepika Tiwari, Advocate for
R-2 & 3.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 20.01.2026

CRL.M.A. 1919/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.A. 1920/2026 (condonation of delay in re-filing)

This is an application seeking condonation of delay of 161 days in re-filing of the captioned petition. For the reasons stated, the application is allowed, and the delay is condoned.

The application accordingly stands disposed of.

CRL.M.C. 477/2026

1. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Deepika Tiwari, learned counsel, accepts notice on behalf of respondent Nos. 2 and 3.



2. The petitioners have filed the present 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. 578/2017 dated 14.11.2017, registered at Police Station Kalyanpuri, New Delhi, for the offences punishable under Sections 323/354/354A/354B/452/506/509/34 of the Indian Penal Code, 1860 [“IPC”], and all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.

3. The impugned FIR was registered at the instance of respondent No. 2, alleging that on 13.11.2017 at about 08:15 PM, the petitioners visited the residence of respondent Nos. 2 and 3 on the pretext of demanding recovery of an amount of Rs. 2,500/-, during which they allegedly used abusive language. It is alleged that upon objection by respondent No. 3, the brother of petitioner No. 2 assaulted him with a *danda*, causing injuries, and that petitioner No. 2 outraged the modesty of respondent No. 2 when she intervened. It is further alleged that a police call was made, whereafter the petitioners fled from the spot after extending threats to respondent Nos. 2 and 3, and the injured were taken to LBS Hospital for medical examination. As per the MLC, the nature of injuries sustained was opined to be simple.

4. Subsequently, the parties entered into a settlement vide compromise deed dated 14.10.2024. In light of the aforesaid settlement, the parties jointly seek quashing of the impugned FIR and the proceedings arising therefrom.

5. The petitioners are present in Court and are identified by learned counsel and the Investigating Officer [“IO”]. Respondent Nos. 2 and 3



are also present and are identified by learned counsel and the IO. Respondent Nos. 2 and 3 state that they and the petitioners are neighbours, that the impugned FIR was registered due to a misunderstanding, and that they do not wish to pursue the criminal proceedings or create further animosity. The FIR pertains to the year 2017, and a chargesheet has already been filed. However, it is informed that the statements of the complainants have not yet been recorded before the Trial Court.

6. Although the offence under Section 354 IPC is non-compoundable, the Supreme Court has consistently held that, in appropriate cases, the High Courts, in exercise of their inherent powers under Section 528 of BNSS (corresponding to Section 482 CrPC), may quash criminal proceedings even in respect of non-compoundable offences, where the dispute has been amicably settled between the parties and no overriding public interest is adversely affected.

7. In *Gian Singh v. State of Punjab and Anr.*¹, the Supreme Court 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

¹ (2012) 10 SCC 303.



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 and Ors. v. State of Punjab and 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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

8. The present case arises out of a dispute between neighbours who continue to reside in the same locality. The parties have resolved their differences amicably with the intervention of family members and neighbours. Applying the tests laid down by the Supreme Court, it is evident that respondent Nos. 2 and 3 have categorically affirmed before this Court that the settlement is voluntary and without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would amount to a mere formality, leading to unnecessary prolongation of litigation and avoidable consumption of judicial time and public resources.

⁴ Emphasis supplied.



9. Having regard to the above discussion, the petition is allowed, and FIR No. 578/2017 dated 14.11.2017, registered at Police Station Kalyanpuri, New Delhi, for the offences punishable under Sections 323/354/354A/354B/452/506/509/34 IPC, and all consequential proceedings arising therefrom, are hereby quashed.
10. The parties shall remain bound by the terms of the settlement.
11. The petition is disposed of in the above terms.

PRATEEK JALAN, J

JANUARY 20, 2026

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