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

+ CRL.M.C. 627/2026

PRASENJIT HALDER

.....Petitioner

Through: Ms. Rajeshri Nivuratirao Reddy
and Ms. Dumini Soren, Advocates
with petitioner in person.

versus

THE STATE (GOVT OF NCT DELHI) & ANR.Respondent

Through: Mr. Hitesh Vali, APP with SI
Nisha.
Mr. Bhavneet Singh, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.01.2026**

CRL.M.A. 2479/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 627/2026

1. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Bhavneet Singh, learned counsel, accepts notice on behalf of complainant [respondent No.2 herein].

2. The petitioner has 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. 125/2024 dated 02.08.2024, registered at



Police Station Vasant Vihar, Delhi, under Section 75 of the Bharatiya Nyaya Sanhita, 2023 [“BNS”], alongwith all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.

3. The FIR emanates from an incident alleged to have occurred on 28.07.2024 at Kali Bari, CPWD Colony, Vasant Vihar, where an altercation arose in connection with the affairs of the temple. During the course of the said altercation, the petitioner is alleged to have used abusive language and attempted to physically assault the husband of respondent No.2. Upon respondent No.2 intervening, it is further alleged that the petitioner assaulted her, touched her inappropriately, and threatened both the respondent No.2 and her husband with dire consequences.

4. Pursuant thereto, the charge-sheet was filed on 15.10.2024 under Sections 75, 74 and 79 of the BNS.

5. The parties are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer.

6. It is now stated that the FIR came to be registered on account of a misunderstanding between the parties. The disputes have since been amicably resolved, and the terms of settlement have been reduced to writing in a Memorandum of Understanding dated 08.11.2025. Respondent No.2 has also placed on record an affidavit of no objection to the settlement. The parties affirm that the settlement has been arrived at voluntarily, without any coercion or undue influence, and without any monetary consideration. In view of the aforesaid, the parties seek quashing of the subject FIR.



7. Notwithstanding the non-compoundable nature of the offence under Section 75 of the BNS, the Supreme Court has consistently held that the High Courts may, in appropriate cases and in exercise of their inherent powers under Section 528 of the BNSS (corresponding to Section 482 CrPC), quash criminal proceedings even in respect of non-compoundable offences, where the dispute stands amicably settled between the parties and no overriding public interest is adversely affected.

8. 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 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

¹ (2012) 10 SCC 303.



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.*, the Supreme Court laid down guiding principles for the exercise of inherent powers while considering quashing of criminal proceedings on the basis of settlement. The relevant observations 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

² Emphasis supplied.



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.”³

9. The dispute between the parties arose from a misunderstanding between persons known to each other, and has since been amicably resolved, as recorded in the Memorandum of Understanding dated 08.11.2025. Respondent No. 2 has placed on record an affidavit of no objection and has also categorically affirmed before this Court that the settlement is voluntary and has been arrived at without any coercion or undue influence. In the circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction, and would serve no purpose other than prolonging litigation, leading to unnecessary consumption of judicial time and public resources. The voluntary nature of the settlement, coupled with the compounding of all other offences, renders the likelihood of a conviction remote.

10. In view of the foregoing, the petition is allowed, and FIR No. 125/2024 dated 02.08.2024, registered at Police Station Vasant Vihar

³ Emphasis supplied.



under Section 75 of the BNS, together with all proceedings arising therefrom, is hereby quashed.

11. However, having regard to the nature of the allegations levelled against the petitioner, the petitioner is directed to deposit a sum of Rs. 10,000/- as costs with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC: UCBA0001553; UCO Bank, Delhi High Court Branch].

12. An affidavit of compliance shall be filed within three weeks from today.

13. The parties shall remain bound by the terms of the settlement.

14. The petition accordingly stands disposed of.

PRATEEK JALAN, J

JANUARY 23, 2026
SS/SD/