



\$~134

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

+ **CRL.M.C. 682/2026**

DEVENDER SINGH & ORS.

.....Petitioners

Through: Mr. Kapil Kumar & Ms. Ruchika
Kumari, Advocates alongwith
Petitioners in Person.

versus

THE STATE OF N.C.T. OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP for State
with SI Amrender, PCR & SI
Dinesh, PS Fatehpur Beri.
Mr. Naveen, Advocate for R2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.01.2026**

CRL.M.A. 2719/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.A. 2720/2026 (for condonation of delay in re-filing)

This is an application seeking condonation of 31 days' delay in re-filing the petition.

For the reasons stated, the application is allowed, and the delay in re-filing the petition is condoned.

CRL.M.C. 682/2026

1. 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. 442/2016 dated 09.09.2016, registered at Police Station Fatehpur Beri, Delhi, for the offences punishable under Sections 323/341/354/354(B)/506/34 of the Indian Penal Code, 1860 [“IPC”], and all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Naveen, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petition is taken up for hearing with the consent of learned counsel for the parties.

4. At the outset, Mr. Vali states that there was one other injured victim, i.e. sister of respondent No. 2, but she has not been made a party to the present petition. Upon an oral request of Mr. Kumar, she is impleaded as respondent No. 3. Amended memo of parties has been handed up in Court and is taken on record.

5. Mr. Kapil Kumar, learned counsel for the petitioner, submits that the petitioner Nos. 1 and 2 and respondent No. 3 are neighbours, while petitioner Nos. 2 to 5 are associates of petitioner Nos. 1 and 2. There was a disagreement between the parties, emanating from a property dispute, as a result of which, the impugned FIR was registered.

6. The impugned FIR arises from an incident on 09.09.2016 at Phase IV, Aya Nagar, where an altercation arose in connection to construction work being carried out by the petitioners in the plot owned by respondent No. 3. During the course of the said altercation, the petitioners allegedly threatened respondent Nos. 2 and 3 with dire consequences, assaulted



them, and touched respondent No. 2 inappropriately.

7. Subsequently, a charge sheet has been filed.

8. I am informed that the injuries were simple in nature.

9. During the pendency of the proceedings, the petitioners and respondent Nos. 2 and 3 settled their disputes, and entered into a Memorandum of Understanding dated 10.11.2025.

10. In light of the aforesaid, the parties seek quashing of the impugned FIR.

11. The petitioners are present and are identified by learned counsel and the Investigating Officer ["IO"]. Respondent No. 2 is also present in person and is identified by learned counsel and the IO.

12. The no-objection affidavit of respondent No. 3 has been handed over in Court, which affirms the fact of settlement and states that she has no objection to the FIR being quashed. The said affidavit is taken on record.

13. Even in the case of non-compoundable offences, the Supreme Court has held that, in appropriate cases, the Court may quash the FIR on the ground of settlement. 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

¹ (2012) 10 SCC 303.



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.”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

² Emphasis supplied.



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.”³

14. The present case arises out of a misunderstanding between neighbours and associates, emanating from a property dispute. The parties have since resolved their differences amicably. The injuries were also simple in nature. There does not appear to be any overriding public interest in carrying the criminal proceedings to their conclusion. 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.

15. In view of the foregoing discussion, the petition is allowed, and FIR No. 442/2016 dated 09.09.2016, registered at Police Station Fatehpur Beri, Delhi, for the offences punishable under Sections 323/341/354/354(B)/34 of the IPC, and all consequential proceedings arising therefrom, are hereby quashed.

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

17. The petition alongwith pending application, is disposed of in the above terms.

PRATEEK JALAN, J

JANUARY 27, 2026

‘pv’/AD/

³ Emphasis supplied.