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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1372/2026, CRL.M.A. 13161/2026, CRL.M.A.
13162/2026
KAMALPetitioner

Through: Mr. Mahavir Sharma and Ms.
Ramandeep Kaur, Advocates

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondent

Through: Mr. Rahul Tyagi, ASC with Ms.
Priya Ria, Mr. Sangeet Sibou, Mr.
Aniket Kumar and Mr. Priyansh
Raj Singh, Advocates with SI
Ujjwal Rana, SI Raj Pal, SI
Navneet PS Budh Vihar
Mr. Siddhant Tyagi, Mr. Mani Suri
and Mr. Sumit Rana, Advocates
for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.04.2026**

1. The petitioner has filed the present petition under Article 226 of the Constitution, seeking quashing of FIR No. 197/2023, dated 21.04.2023, registered at Police Station Budh Vihar, under Sections 393/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom *qua* him, on the ground of settlement.
2. Issue notice. Mr. Rahul Tyagi, learned Additional Standing Counsel, accepts notice on behalf of the State. Mr. Siddhant Tyagi, learned counsel, accepts notice on behalf of respondent No. 2.
3. The petitioner is present in Court and is identified by his learned counsel as well as by the Investigating Officer ["IO"]. Respondent No. 2 is also present in person and is identified by his learned counsel and the



IO.

4. The petition is taken up for disposal with the consent of learned counsel for the parties.

5. As per the allegations in the FIR, respondent No. 2 stated that while he was travelling to his village carrying cash, the petitioner herein, who was riding pillion on a motorcycle driven by an unknown person, intercepted his vehicle and demanded the said cash. Upon his resistance, a scuffle ensued between petitioner and respondent No. 2, during which the motorcycle driver fled from the spot. As a result of the scuffle, respondent No. 2 sustained injuries.

6. A charge sheet has been filed against the petitioner. Section 393 IPC was converted to Section 394 IPC, and additional charges under Sections 323/506 IPC were added against the petitioner. Charges have also thereafter been framed *vide* order dated 05.05.2025 against him.

7. Mr. Tyagi states that the FIR was initially registered against two persons. However, the driver of the motorcycle is untraceable. The investigation against him is therefore incomplete.

8. During the pendency of the proceedings, petitioner and respondent No. 2 have amicably settled their disputes *vide* a settlement agreement dated 21.01.2025. Respondent No. 2 is present in Court and has stated that he does not wish to pursue the allegations any further.

9. I am informed that the parties continue to reside in neighbouring villages, and have amicably settled their dispute, which had arisen from a misunderstanding in the context of a neighbourhood disagreement.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily, without any coercion, undue influence, or



pressure of any kind.

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

12. The Supreme Court has held that, in appropriate circumstances, High Courts, while exercising the extraordinary powers under Article 226 of the Constitution, may quash criminal proceedings, even in cases involving non-compoundable offences, where a compromise has been reached between the accused and the complainant, particularly when no overriding public interest is adversely affected.

13. 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

¹ 2012 10 SCC 303.



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.*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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

14. The offences alleged in the subject FIR arise from a personal dispute between the parties and are essentially private in nature. While the allegations are serious, they stem from a neighbourhood misunderstanding and do not engage any wider public interest or grave criminality. The injuries suffered are also stated to be simple. In accordance with the principles laid down by the Supreme Court, it is relevant to note that respondent No. 2 has affirmed the voluntary nature of the settlement before the Court. In these circumstances, the continuation of criminal proceedings is unlikely to result in a conviction and would serve no practical purpose, while only adding to the burden on the justice system and consuming public resources unnecessarily.

15. Having regard to the circumstances giving rise to the impugned FIR, I accept the suggestion of Mr. Tyagi that this is an appropriate case



for a direction of community service. The petitioner is accordingly directed to report for community service to the Medical Superintendent, Satyawadi Raja Harish Chandra Hospital, New Delhi, on 04.05.2026 at 11:00 AM. The Medical Superintendent is requested to assign suitable duties to the petitioner for a total of five sessions of three hours each, to be completed within two months. The sessions may be scheduled in consultation with the hospital and with regard to the petitioner's work-related commitments. The Medical Superintendent is requested to issue a certificate of compliance upon completion of the community service. The petitioner shall place the said certificate on record within two weeks thereafter.

16. In view of the foregoing discussion, the petition is allowed, and FIR No. 197/2023, dated 21.04.2023, registered at Police Station Budh Vihar, under Sections 393/34 of IPC, alongwith proceedings arising therefrom *qua* the petitioner, is hereby quashed.

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

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 28, 2026

'sv'/AD/

⁴ Emphasis supplied.