



\$~97

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

+ **CRL.M.C. 2227/2026 & CRL.M.A. 9115/2026**

KARAN KUMAR AND ANR

.....Petitioner

Through: Mr. Vimal Puggal, Advocate.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondent

Through: Mr. Hitesh Vali, APP with SI
Parmender Kumar, PS Nihal Vihar.
Mr. Shivam Sharma, Mr. Sushil
Sunil, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

25.03.2026

1. 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. 154/2017, dated 27.03.2017, registered at Police Station Nihal Vihar, under Sections 308/34 of the Indian Penal Code, 1860 ["IPC"], alongwith consequential proceedings arising therefrom, on the ground that the dispute between the parties has been amicably settled.
2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Shivam Sharma, learned counsel, accepts notice on behalf of respondent No. 2 and 3.
3. The parties are present, and are identified by their respective



learned counsel.

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

5. The impugned FIR was registered at the instance of respondent No. 2. The allegations are that the petitioners, who were neighbours of respondent Nos. 2 and 3, were fighting when respondent Nos. 2 and 3 intervened. During a scuffle, one of the petitioners hit respondent No. 2 on his head.

6. During the pendency of the proceedings, the parties have entered into a settlement, as recorded in a Compromise Deed dated 16.02.2026.

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

8. I am also informed that a cross-FIR [No. 338/2017, dated 24.06.2017, registered at P.S. Nihal Vihar] has been registered, under Sections 325/34 IPC, at the instance of the petitioners against the respondent Nos. 2 and 3. However, the parties intend to compound the said cross-FIR as well.

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

10. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of CrPC [corresponding to Section 528 of BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

11. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.*



[(2012) 10 SCC 303], 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.]

12. In the present case, the allegations in the impugned FIR, though serious, appear to arise out of a neighborhood misunderstanding, and do not implicate any larger public interest or grave criminality. A Medico



Legal Certificate was conducted only in respect of respondent No. 2 and injuries were found to be simple. No use of fire arm or any sharp object was found. Applying the principles laid down by the Supreme Court, it is pertinent to note that respondent Nos. 2 and 3 have affirmed the voluntary nature of the settlement before the Court. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would serve no useful purpose, while merely adding to the burden on the justice system, and resulting in unnecessary consumption of public resources.

13. In view of the above discussion, the petition is allowed, and FIR No. 154/2017 dated 27.03.2017, registered at Police Station Nihal Vihar, under Sections 308/34 of the IPC, alongwith consequential proceedings arising therefrom, is hereby quashed.

14. However, having regard to the circumstances giving rise to the said FIR, the petitioners are directed to deposit costs of Rs. 15,000/- collectively with the Delhi High Court Bar Association [A/C No. 15530110179338, IFSC No. UCBA0001553, Bank Name: UCO Bank, Branch: Delhi High Court], within four weeks from today. An affidavit of compliance shall be filed within two weeks thereafter.

15. The petition, alongwith pending application, stands disposed of in terms of the aforesaid.

PRATEEK JALAN, J

MARCH 25, 2026
SS/AD/