



\$~96 to 98

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

CNR No. DLHC010332782026

+ **BAIL APPLN. 2954/2026 & CRL.M.A. 22245-22246/2026**

YOGESH SAWARIYA

.....Petitioner

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

CNR No. DLHC010333072026

+ **BAIL APPLN. 2959/2026 & CRL.M.A. 22270-22271/2026**

VIPIN ALIAS SANJU

.....Petitioner

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

CNR No. DLHC010273602026

+ **W.P.(CRL) 1882/2026 & CRL.M.A. 18826-18827/2026**

YOGESH SAWARIYA AND ANR

.....Petitioners

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Appearance:

Mr. Suresh Sisodia & Mr. Sushant Dogra, Advocates
for Petitioners in Item Nos. 96 to 98.

Mr. Yudhvir Singh Chauhan, APP with Mr. Narendra
Kumar, Advocate for State in Item Nos. 96 & 97.

Mr. Anand V. Khatri, ASC for State in Item No. 98.
SI Hitesh, PS Nihal Vihar.

Ms. Richa Sharma, Advocate for R-2 in Item No. 96
to 98 alongwith Complainant in Person on VC.



CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **04.08.2026**

W.P.(CRL.) 1882/2026

1. By way of this petition under Article 226 of the Constitution, the petitioners seek quashing of FIR No. 232/2026 dated 31.03.2026, registered at Police Station Nihal Vihar, Outer District, Delhi, under Sections 115(2)/118(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], on the basis of a mutual settlement between the parties.
2. I have heard Mr. Sushant Dogra, learned counsel for the petitioners and Mr. Anand V. Khatri, learned Additional Standing Counsel, appearing on behalf of the State.
3. All parties are present before this Court, and have been duly identified by their respective learned counsel, as well as by the Investigating Officer.
4. The petitioners and respondent No. 2 are first cousins; their mothers are siblings, as are their fathers.
5. The impugned FIR was registered on the complaint of respondent No. 2, alleging that, on 28.03.2026, at about 11:30 PM, while the complainant was returning home, he was wrongfully restrained by the petitioners. Petitioner No. 2 was armed with a sharp-edged chicken knife and petitioner No. 1 was armed with an iron rod. It is further alleged that both petitioners assaulted respondent No. 2, causing injuries. Respondent No. 2 thereafter ran away from the spot, and was taken to Sanjay Gandhi Memorial Hospital by his mother.



6. Chargesheet has not been filed in the matter. However, during the course of investigation, offence under Section 109(1) BNS [corresponding to Section 307 of the Indian Penal Code, 1860] was added.

7. During the pendency of the present proceedings, the petitioners and respondent No. 2 entered into a settlement, as recorded by a Memorandum of Understanding [“MoU”] dated 11.06.2026. The settlement contemplates the petitioners selling their residential house [bearing No. A-21, Ambica Enclave, Nihal Vihar VTC, Nangloi, Delhi - 110041], as well as petitioner No. 1 re-locating his scrap business from Shani Bazar, Nihal Vihar, Delhi, to an alternative place.

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

9. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure. Respondent No. 2, who is present in person, categorically affirms that he has settled the disputes amicably and does not wish to pursue the criminal proceedings against the petitioners. To this effect, an affidavit of no objection has also been filed by respondent No. 2, which states that disputes stands settled pursuant to MoU dated 11.06.2026, and that there is no objection to quashing of the impugned FIR.

10. Mr. Khatri has handed up a status report, including the Medico-Legal Case [“MLC”] of respondent No. 2, which is taken on record. The MLC records that respondent No. 2 sustained superficial laceration on the occipital region and occipito-parietal region and a bone deep laceration in his right little finger. His radiological investigation were suggestive of



fractures of the nasal bone and an un-displaced linear fracture in the left parietal region. Based on these injuries, the concerned surgeon has opined that the injuries were grievous in nature, whereas the Orthopedic specialist has characterised the injury as simple in nature. Respondent No. 2 is present on video conference, and states that all injuries sustained by him have healed, and no permanent damage was caused thereby.

11. The Investigating Officer has also verified the factum of the settlement as well as its due compliance. The said status report records that the petitioners have entered into an Agreement to Sell in respect of the residential property in question, and have received a sum of Rs. 2,00,000/- as earnest money. It further records that respondent No. 2 has, in writing, acknowledged that petitioner No. 1 has shifted his scrap business from the premises.

12. It is well settled that even in cases involving non-compoundable offences, the High Court, in exercise of its inherent jurisdiction, may quash criminal proceedings on the basis of a genuine and voluntary settlement between the parties, where the circumstances so warrant and where such quashing would serve the ends of justice. 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

¹ (2012) 10 SCC 303 [hereinafter, “*Gian Singh*”].



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.”²

13. Subsequently, three decisions of the Supreme Court have specifically addressed proceedings arising under Section 307 of the IPC:

(a) In *Narinder Singh and Ors. v. State of Punjab and Anr.*³, after considering the decision in *Gian Singh* and various other judgments concerning Section 307 IPC, the Supreme Court crystallised the governing principles in the following terms:

“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

²Emphasis supplied.

³(2014) 6 SCC 466.



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.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated



as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is



already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

(b) In *State of Madhya Pradesh v. Laxmi Narayan &Ors.*⁴, the Supreme Court reaffirmed and reiterated the above principles governing the exercise of inherent powers in cases involving Section 307 IPC.

(c) More recently, in *Naushey Ali &Ors. v. State of Uttar Pradesh &Anr.*⁵, the Supreme Court applied these settled principles to quash a prosecution under Section 307 IPC in light of the facts and the compromise between the parties.

14. Applying the aforesaid principles to the facts of the present case, I am of the considered view that this is a fit case for exercising the extraordinary jurisdiction of this Court under Article 226 of Constitution. The allegations in the impugned FIR are stated to have arisen out of a quarrel and scuffle between close family members, in connection with competing scrap businesses of petitioner No. 1 and respondent No. 2. The dispute is essentially an inter se family dispute, which has since been amicably resolved by way of a MoU dated 11.06.2026, i.e., within a relatively short time of the incident in question. Under the settlement, the petitioners have undertaken to relocate both, their residence and their business, from the respondent Nos. 2's area. Petitioner Nos. 1 and 2 are young individuals aged 30 years and 23 years, respectively, while respondent No. 2 is 22 years of age. Although certain injuries sustained by respondent No. 2 have been opined to be grievous, respondent No. 2 is present before this Court and categorically states that he has since

⁴ (2019) 5 SCC 688, [hereinafter, "*Laxmi Narayan*"].

⁵ (2025) 4 SCC 78.



recovered from the injuries, and there are no lasting consequences. He further affirms that the settlement has been arrived at voluntarily, without any force, coercion or undue influence, and that he does not wish to pursue the allegations any further. In such circumstances, continuation of the proceedings would diminish family harmony. The possibility of conviction, in the peculiar facts and circumstances of the case, also appears remote and bleak, and continuation of the present criminal proceedings would serve no useful purpose.

15. In view of the aforesaid, the petition is allowed. Accordingly, FIR No. 232/2026 dated 31.03.2026, registered at Police Station Nihal Vihar, Outer District, Delhi, under Sections 115(2)/118(1)/3(5) of the BNS, alongwith all consequential proceedings emanating there from, is hereby quashed.

16. However, I am of the view that it would be appropriate to impose costs upon the petitioners, as well as require them to undertake community service, as follows:

- a. The petitioners are directed to pay costs of Rs. 15,000/- each, to be deposited with the Delhi High Court Bar Association [A/C No. 15530110179338, IFSC No. UCBA0001553, Bank Name: UCO Bank, Branch: Delhi High Court] within a period of four weeks. A compliance affidavit shall be filed within two weeks thereafter.
- b. The petitioners are directed to report to the Medical Superintendent of Dr. Ram Manohar Lohia Hospital on 10.08.2026 at 11 A.M. The Medical Superintendent is requested to assign appropriate duties to them, either jointly or individually, for 10 sessions of three hours each. The sessions may be scheduled at the convenience of the



Hospital, taking into account any professional or work-related commitments of the petitioners; however, the same shall be completed within a period of three months from today. The Medical Superintendent is requested to issue a certificate of compliance, which the petitioners are directed to place before this Court within one month thereafter. A copy of this judgment be transmitted by the Registry to the Medical Superintendent.

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

18. The petitions stand disposed of in terms of the aforesaid.

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19. In view of the order passed above in W.P.(CRL.) 1882/2026, the captioned bail applications, alongwith pending applications, are rendered infructuous, and therefore, stand disposed of.

PRATEEK JALAN, J

AUGUST 4, 2026
AD/SS'