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

% ***Date of Decision: 17.11.2026***

\# **CNR No.DLHC010051992026**

\+ **CRL.M.C. 1207/2026**

SH NITIN AND AND ORS .....Petitioners

Through: Mr. Umang Tyagi, Mr. Siddharth Sharma and Mr. Roshan Lal, Advs. along with petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR ....Respondents

Through: Ms. Priyanka Dalal, APP for State along with Ms. Swati, Adv.
SI Deepanshu (P.S. Anand Parbat).
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

The matter is taken up today as 16.11.2026 was declared a holiday on account of Chatth Puja.

1. By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*pari materia* to Section 482 of the Code of Criminal Procedure, 1973), the petitioners seek quashing of FIR No. 258/2024, dated 03.06.2024, registered at P.S. Anand Parbat, Central District, Delhi, under Sections 392/397/394/34 of the Indian Penal Code, 1860 (hereinafter "*IPC*"), and all proceedings emanating therefrom, on the basis of Settlement Deed, dated 22.12.2025, entered into between the petitioners and respondent no. 2. The same is appended as Annexure P-2 to the present petition.

2. The factual conspectus is as follows:

a. The subject FIR, registered on 03.06.2024, alleges that the

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petitioners and two companions stopped respondent no. 2's (complainant's) scooty. Thereafter, while petitioner no. 1 stabbed the complainant (respondent no. 2) with a knife and took Rs. 38,000/- from his pocket, petitioner no. 2 hit the complainant (respondent no. 2) on his head.

b. However, on 03.06.2024 (*i.e.*, the same day itself), respondent no. 2 (complainant) gave a supplementary statement stating that due to intoxication and pain, he did not give a correct account in the FIR. He further states that he and the petitioners were consuming liquor together, and an argument, and subsequently, an altercation, took place. During this altercation, petitioner no. 1 caught him by the neck and threw him to the ground, and in response, he hit petitioner no. 1 on the head. Thereafter, petitioner no. 2 held his hands, and petitioner no. 1 struck him with an empty bottle on the head and stomach. He also stated that no money was taken from him. On this basis, Sections 392/397/394 of the IPC were replaced with Sections 324/341/34 of the IPC.

c. On the basis of a legal opinion (26.03.2025), opining that a glass bottle constitutes a dangerous weapon, Section 324 of the IPC was replaced with Section 326 of the IPC. Accordingly, a chargesheet under Sections 326/341/34 of the IPC was filed.

3. Learned counsel for the petitioners submits that the petitioners and respondent no. 2 are acquaintances from the same locality. It is also pointed out that the incident was a drunken scuffle in which both sides were hurt. It is emphasised that the parties have since settled and continue to live

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amicably in the same locality. The petitioners are present in the Court and have been duly identified by the concerned Investigating Officer (IO), who is also present in the Court.

4. Respondent no. 2 (complainant) is also present in the Court and has been duly identified by the aforesaid Investigating Officer (IO). He confirms the factum of the aforesaid Settlement Deed and states that he has entered into the settlement of his free volition without any undue pressure or coercion. He further states that he has no objection to the quashing of the aforesaid FIR. To this effect, he has also filed an affidavit dated 22.12.2025, which reads as under:

AFFIDAVIT

I, Nitin S/o Sh. D.C. Sharma aged about 36 years R/o H. No. 2087/6A, Near Yadav Sweet, Prem Nagar, Nehru Nagar, Anand Parwat, Delhi-110008.

I the above named deponent, do hereby solemnly affirm and declare as under:-

1. That I am the respondent No.2/complainant in the present petition and am well conversant with facts of the case and competent to swear the affidavit.

2. That the deponent and the petitioners are known to each other.

3. That I have compromised and resolved all my disputes with the Petitioners and I have no objection if the present FIR No. 258/2024 U/s 392/397/394/34 IPC, PS Anand Parbat, Delhi is quashed against the petitioners. I hereby undertake and declare that I shall not lodge further any complaint or proceeding in any manner and shall not rely on the present facts on which the present

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complaint FIR lodged, my matter has been completely settled and I am not ready to proceed further against the petitioner.

4. That the deponent hereby withdraw all the claims and allegations made by deponent against the petitioner and the deponent have no objection if this Hon'ble Court quashed the proceedings of above said FIR, chargesheet and its subsequent proceedings against the petitioner.

5. That I have undertaken that I shall not litigate in any manner whatsoever with the petitioner. I have entered into compromise dated 22.12.2025 with my own free will and wish without any duress and coercive from any corner.

Nitin

DEPONENT

22 DEC 2025

5. Furthermore, the aforesaid Settlement Deed, dated 22.12.2025, entered into between the petitioners and respondent no. 2, reads as follows:

SETTLEMENT DEED

THIS DEED OF SETTLEMENT is executed at Delhi on 22.12.2025.

BETWEEN

Nitin S/o Sh. D.C. Sharma aged about 36 years R/o H. No. 2087/6A, Near Yadav Sweet, Prem Nagar, Nehru Nagar, Anand Parwat, Delhi- 110008 (hereinafter referred as "first party") which expression shall unless repugnant to the context or meaning hereof, mean and include its successors and assigns of the first party.

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AND

1. Nitin S/o Sh. Mukesh Kumar aged about 29 years R/o H. No. 415A, Gali No. 11, Nehru Nagar, Baljeet Nagar, Patel Nagar, Delhi-110008
2. Salim @ Shamim S/o Nizamuddin aged about 27 years R/o H. No. CN-317, Block-W, Near Nepali Mandir, Punjabi Bagh, Baljeet Nagar, Patel Nagar, Delhi-110008.

hereinafter referred to as **"the Second Party"** which expression shall unless repugnant to the context or meaning hereof, mean and include its successors and assigns of Other Part.

WHEREAS, the first party is the complainant in FIR No. 258/2024 U/s 392/397/394/34 IPC, PS Anand Parbat, Delhi which was registered on the complaint by the first party i.e. complainant against second parties/accused persons. Till date chargesheet has not been filed by the I.O. Now both the parties mutually agreed to settle the above said matter with their own free will and consent and without any kind of pressure, threat or coercion from any corner on the following terms and conditions:-

NOW THEREFORE THIS SETTLEMENT DEED WITNESSETH AS UNDER:-

1. That it has been settled between the parties that the first party has approached the second parties to settle their dispute with their own free will and consent and without any kind of pressure, threat or coercion from any corner and decided to settle all their disputes amicably.

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2. That it is mutually agreed between the parties that second parties will move quashing petition before Hon'ble High Court of Delhi and first party will cooperate to second parties to appear before Hon'ble High Court and will give statement in favour of second parties and the first party also ready to execute, sign and verified NOC/affidavit of NO Objection to quash the above said FIR No. 258/2024 U/s 392/397/394/34 IPC, PS Anand Parbat, Delhi before 25e Hon'ble High Court of Delhi.
3. That with the interference of well wishers of both the respective parties, both the parties voluntarily settled all their disputes out of their own free will and consent without any fear, coercion or under influence from any corner whatsoever.
4. That the first party undertakes to make available as and when they are required to appear before the Hon'ble High Court. The first party further undertakes to sign affidavits or any other documents for such purpose.
5. That both the parties shall not file any other case, claim, complaint or other proceedings against each other regarding the above said matter and shall withdraw the complaint, if any, filed by any of party against each other. Both the parties also agreed that they will not claim any compensation about litigation of above said matter against each other.
6. That both the parties have entered in the present Settlement Deed after understanding the terms and conditions in their own vernacular and have put their respective hands.

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IN WITNESS WHEREOF this Settlement Deed is executed on this day, month and year above mentioned with the full consent of all the persons of both the parties without any pressure, coercion or compulsion and in sound mind and good health and all of them have made their thumb impressions and have signed on each page of this Settlement Deed after going through and fully understanding the contents herein in Vernacular in the presence of the witnesses who have also signed on this Deed.

6. Learned APP for the State opposes the petition. He contends that the offences under Sections 326 and 341 of the IPC are serious and grave in nature and also adversely affect public peace and social order.

7. The objection of the State has been considered. In the opinion of this Court, the petition deserves to be allowed for the following reasons:

a. The allegation of robbery has fallen away, as the prosecution itself has dropped Sections 392/394/397 of the IPC. The chargesheet has been filed only for the offences under Sections 326/341/34 of the IPC.

b. On the prosecution's own case, this was a fight between acquaintances under the influence of alcohol, during which respondent no. 2 (complainant) also struck petitioner no. 1 on the head;

c. The only opinion on the record is that the injury "could possibly" be of grievous nature and same was rendered only on

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written examination of the wound. Furthermore, the opinion, as reproduced in the status report, also records that respondent no. 2 (complainant), despite being referred for emergency examination, did not turn up for the same. On the material on record before this Court, the case cannot be characterised as one of a grave or life-threatening injury. As such, the principles laid down in ***Gian Singh v. State of Punjab,*** **(2012) 10 SCC 303** would not exclude the present case;

d. The incident took place in a private gathering, and the status report does not refer to any antecedents of the petitioners; and

e. The settlement is voluntary and supported by respondent no. 2 (complainant) during the course of hearing today. Respondent no. 2 (complainant) submits that there is no outstanding dispute with the petitioner and insists that he does not wish to pursue the prosecution. It is also noticed that the trial has not yet begun in the matter, and only cognisance has been taken till date.

8. It is apposite to refer to the observations of the Supreme Court in ***Gian Singh (supra)***, as under:

> *"54. In different situations, the inherent power may be exercised in different ways to achieve its ultimate objective.* ***Formation of opinion by the High Court before it exercises inherent power under Section 482 on either of the twin objectives, (i) to prevent abuse of the process of any court, or (ii) to secure the ends of justice, is a sine qua non.***
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> ***
>
> *56.* ***It needs no emphasis that exercise of inherent power by the***

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High Court would entirely depend on the facts and circumstances of each case. It is neither permissible nor proper for the court to provide a straitjacket formula regulating the exercise of inherent powers under Section 482. No precise and inflexible guidelines can also be provided.

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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.*"

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(emphasis supplied)

9. The principles established in ***Gian Singh (supra)*** were further crystallised in ***Narinder Singh v. State of Punjab*, (2014) 6 SCC 466**. Paragraph 29 of the same reads as follows:

> "*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:*
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> ***
>
> *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.*
>
> ***
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> *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)

10. Further, the Supreme Court in ***Ramgopal v. State of M.P.*, (2022) 14 SCC 531**, while dealing with an offence under Section 326 of the IPC,

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remarked as follows:

> "*19. We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences "compoundable" within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:*
> ***19.1. Nature and effect of the offence on the conscience of the society;***
> ***19.2. Seriousness of the injury, if any;***
> ***19.3 Voluntary nature of compromise between the accused and the victim; and***
> ***19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.***"
>
> (emphasis supplied)

11. The Supreme Court in ***Yogendra Yadav v. State of Jharkhand,*** **(2014) 9 SCC 653**, *inter alia*, observed as under:

> "*4.* ***Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable?*** *Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988]).* ***However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case.*** *Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings*

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> *because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society.* ***However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.***"
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> (emphasis supplied)

12. Accordingly, FIR No. 258/2024, dated 03.06.2024, registered at P.S. Anand Parbat, Central District, Delhi, and all proceedings emanating therefrom, stands quashed.

13. The petition, along with pending application/s, if any, is disposed of in the above terms.

SACHIN DATTA, J

NOVEMBER 17, 2026/r, vk

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