



2026:DHC:8976



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05th October, 2026**# **CNR No. DLHC010357492026**+ CRL.M.C. 5680/2026, CRL.M.A. 23733/2026 & CRL.M.A.
23734/2026

AJAY SHARMA@NANHE & ANR.

.....Petitioners

Through: Mr. K.D. Soni and Ms. Archana Garg,
Adv.
M: 8750660389

versus

STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP
M: 9810442918
SI Shivam Sahu, PS Krishna Nagar**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. By way of 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"), the petitioners seek quashing of the First Information Report ("FIR") being *FIR No. 82/2025* dated 28th January, 2025, registered under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), and Section 27 of the Arms Act, 1959 ("Arms Act"), at Police Station ("PS") Krishna Nagar, Shahdara District, Delhi.



2026:DHC:8976



2. Subsequently, upon completion of the investigation, a Chargesheet came to be filed by the Investigating Officer (“IO”) on 26th April, 2025, under Sections 109(1)/3(5) of the BNS and Section 27 of the Arms Act.
3. Issue notice.
4. Notice is accepted by learned Additional Public Prosecutor (“APP”) for the State as well as by respondent no. 2.
5. Petitioner nos. 1 and 2, i.e., Mr. Ajay Sharma @ Nanhe and Mr. Vijay Sharma @ Durga Dutt, respectively, and respondent no. 2, i.e., Mr. Raj Kumar, are present in person before this Court, and are identified by the IO.
6. The captioned petition is taken up for disposal with the consent of the parties.
7. The FIR in question was registered at the instance of respondent no. 2, whereby, the following has been alleged:
 - 7.1. On 27th January, 2025, at around 07:30 PM, respondent no. 2 was drinking alcohol with his friend, namely, Mr. Abhay, near a shop.
 - 7.2. At that time, petitioner no. 1 came downstairs from a house, slapped respondent no. 2, and started abusing him.
 - 7.3. Respondent no. 2 kicked the door of the house of petitioner no. 1 and started abusing him. Immediately thereafter, petitioner no. 1 along with his brother, i.e., petitioner no. 2 herein, came down holding a long stick and a pistol, respectively.
 - 7.4. Petitioner no. 1 attacked respondent no. 2 with a stick, and as soon as respondent no. 2 held the stick to defend himself, petitioner no. 2 fired a pistol at respondent no. 2, with the intention of causing death.
 - 7.5. As a result of the said scuffle, the left thigh of respondent no. 2 was injured by the gunshot, and he then started running towards his house.



2026:DHC:8976



8. This Court has been informed that respondent no. 2 and the petitioners were earlier neighbours, however, respondent no. 2 has since shifted out of the common locality.

9. Learned counsel appearing for the petitioners and respondent no. 2, appearing in person, jointly submit that during the pendency of the proceedings before the Trial Court, with the interference of common friends and locality members, they have already settled the matter with each other out of their free will and without any undue pressure or coercion.

10. In this regard, attention of this Court has been drawn to the Memorandum of Understanding (“MoU”) dated 18th July, 2026, executed between the petitioner no. 1 and respondent no. 2.

11. This Court has interacted with respondent no. 2 who has categorically submitted that he does not wish to pursue the present matter any further.

12. Learned APP for the State submits that examination of the complainant/respondent no. 2 is yet to be done. However, he is not coming forward for the same.

13. Considering the facts and circumstances of the present case, this Court is of the view that continuation of the trial would not yield any fruitful purpose as respondent no. 2 himself is not cooperating with the progression of the trial. Thus, it would be a grave abuse of the process of law to let this trial remain pending under the said circumstances, and particularly when the dispute has been amicably settled and resolved between the concerned parties.

14. This Court notes that it is no longer *res-integra* that this Court has the power to quash criminal proceedings even in cases of non-compoundable offences when the parties have settled the matter between themselves.



15. The Supreme Court has held that under Section 528 of the BNSS, High Courts may quash criminal proceedings, even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or settlement, and particularly when no overarching public interest is adversely affected by quashing the same. In ***Gian Singh Versus State of Punjab and Another (2012) 10 SCC 303***, the Court recognized that such an approach serves the ends of justice by bringing the litigation to an end and preventing its needless continuation when the likelihood of conviction has become remote and bleak on account of a compromise.

16. In this regard, attention may further be afforded to the decision of the Supreme Court in the case of ***Jitender Raghuvanshi and Others Versus Babita Raghuvanshi and Another, (2013) 4 SCC 58***, whereby it has been held as under:

“xxx xxx xxx

14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi [(2003) 4 SCC 675 : 2003 SCC (Cri) 848] , this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR,



complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.

*17. In the light of the above discussion, we hold that the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code. Under these circumstances, we set aside the impugned judgment of the High Court dated 4-7-2012 passed in *Rajendra Singh Raghuvanshi v. Aarkshi Kendra Police Mahila Thana [Misc. Criminal Case No. 2877 of 2012, decided on 4-7-2012 (MP)]* and quash the proceedings in Criminal Case No. 4166 of 2011 pending on the file of the Judicial Magistrate Class I, Indore.*

xxx xxx xxx”

(Emphasis Supplied)

17. In the case at hand, it is not in dispute that the FIR was registered for



2026:DHC:8976



offences including under Section 109(1) of the BNS. The parties have, however, entered into a settlement and have unequivocally stated before this Court, that the settlement has been arrived at voluntarily. Respondent no. 2 has also confirmed the same on affidavit and upon being identified by the IO. Thus, the mere fact that the FIR invokes Section 109(1) of the BNS does not, by itself, denude this Court of its power to quash. The dispute arose out of an alleged quarrel amongst neighbours, who have now ironed out all their differences and are desirous of living in peace. Further, the likelihood of conviction is remote, given that the complainant/respondent no. 2 is unlikely to support the prosecution, and continuing the trial would only prolong acrimony and waste judicial time.

18. Accordingly, it is directed that *FIR No. 82/2025* dated 28th January, 2025, registered under Sections 109(1)/3(5) of the BNS and Section 27 of the Arms Act, at PS Krishna Nagar, Shahdara, Delhi, and all proceedings emanating therefrom, are hereby quashed.

19. However, in view of the facts and circumstances of the present case, the aforesaid quashing is subject to payment of a cost of Rs. 50,000/- to the Delhi High Court Bar Clerk's Association, details of which are as follows:

Delhi High Court Bar Clerk's Association

Account No.: 15530100006282

IFSC Code: UCBA0001553

Bank Name: UCO Bank

Branch: Delhi High Court

20. Let the cost be deposited within a period of two weeks, from today.

21. The proof of depositing the said amount shall be filed before this Court and copy of the same shall also be given to the concerned IO/Station House Officer ("SHO"), within a period of one week, thereafter.



2026:DHC:8976



22. The present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

OCTOBER 5, 2026/KR