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

% **Date of Decision: 21st September, 2026**

CNR No. DLHC010447992026

+ **CRL.M.C. 6997/2026 & CRL.M.A. 29259/2026**

SANDHYA JASSAL

.....Petitioner

Through: Mr. Shiv Chopra, DHCLSC with
Mr. S. Pandey, Ms. Surbhi Arora and
Mr. Ayush Kumar, Advocates with
petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.

(M): 9871349009

Email: sunil.skgautam@gmail.com

SI Himanshu Kumar Dubey, PS Amar
Colony.

Respondent no. 2 Mr. Rajesh Kr.
Singh in person.

(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed under Section 528 of the BNSS seeking quashing of the First Information Report ("FIR") being *FIR 0274/2021* dated 31st May, 2021, registered at Police Station ("PS") Amar Colony, under Sections 279 and 337 of the Indian Penal Code, 1860 ("IPC").



2. The brief facts necessitating filing of the present petition are as follows:

2.1 On 31st May, 2021, the present *FIR 274/2021* was registered at PS Amar Colony, under Sections 279/337 of the IPC, pursuant to the written complaint of Sh. Rajesh Kumar Singh, i.e., respondent no. 2 herein.

2.2 In the said written complaint, respondent no. 2 stated that on 22nd May, 2021, at about 09:20 AM, while he was riding his scooty, registered as *DL3S DF 3012*, on the service road near Max Hospital, Lajpat Nagar-4, New Delhi, the offending vehicle i.e., a car bearing registration no. *DL 2CAZ 7636*, which is owned and was driven by the petitioner, hit him and caused him to fall and sustain injuries.

2.3 The injured complainant/respondent no. 2 was taken to Jai Prakash Narayan Apex Trauma Centre, AIIMS, New Delhi, where he was medico-legally examined *vide MLC 500273745/2021* dated 22nd May, 2021, and was treated for a fracture on the left knee.

2.4 Pursuant to the registration of the present FIR, the petitioner's vehicle, photocopy of the Registration Certificate ("RC") and insurance of the said vehicle, were seized *vide* Seizure Memos dated 31st May, 2021. The petitioner was arrested on 03rd June, 2021.

2.5 Upon completion of investigation, a Chargesheet under Section 173 of the Code of Criminal Procedure, 1973 ("Cr.P.C."), was filed by the Investigating Officer ("IO"), PS Amar Colony, before the Court of Metropolitan Magistrate, Saket Courts, New Delhi, charging the petitioner under Sections 279/338 IPC.

2.6 A Claim petition, i.e., *MACT Case 518/2021*, arising from the same accident was also filed by respondent no. 2 against the petitioner as well as



Tata AIG General Insurance Co. Ltd., before the Motor Accident Claims Tribunal (“MACT”), Patiala House Courts, Delhi. On 21st August, 2022, the said claim was finally settled and disposed of *vide* Lok Adalat Award, whereby, an amount of Rs. 3,70,000/- was awarded to the complainant/respondent no. 2 as full and final settlement, payable by the insurance company, i.e., Tata AIG General Insurance Co. Ltd.

2.7 This Court is informed that during pendency of the criminal case, both parties expressed their intention to amicably settle all disputes arising out of the present FIR and the matter was referred by the Court of Judicial Magistrate First Class (“JMFC”)-12, South-East, Saket Courts, Delhi, to the Mediation Centre, Saket Courts, Delhi.

2.8 On 22nd August, 2024, a Memorandum of Settlement was executed by the parties before the learned Mediator, whereby, it was agreed that the petitioner herein would pay a total sum of Rs. 1,20,000/- to the complainant/respondent no. 2, in four instalments, as full and final settlement of all disputes arising out of the present FIR.

2.9 As mutually agreed between the parties in the said Memorandum of Settlement, a total amount of ₹1,20,000/- has been paid by the petitioner to respondent no. 2, in instalments.

3. Learned counsel appearing for the petitioner submits that the complainant/respondent no. 2 has received the aforesaid amount in full, and has no further rights or claim against the petitioner arising out of the present FIR.

4. Respondent no. 2, who appears through Video Conferencing (“VC”) before this Court, affirms that he has received the full amount as agreed in the Memorandum of Settlement.



5. Learned counsel appearing for the petitioner submits that the petitioner was earlier employed as a Bank Manager and posted at Guwahati, Assam, from May 2022 to June 2025, on account of which, she was unable to personally attend the proceedings before the Trial Court, and the said proceedings were handled by her father.

6. He further submits that the petitioner's father, being a senior citizen, was under the *bona fide* impression that subsequent to the parties executing the Memorandum of Settlement dated 22nd August, 2024, no separate petition was required to be filed for quashing of the present FIR. Thus, it is submitted that it was only upon the petitioner's return to Delhi in July, 2025, that she was apprised of the pendency of proceedings and the necessity of filing the present petition.

7. Issue notice.

8. Notice is accepted by learned Additional Public Prosecutor ("APP") for the State as well as learned counsel appearing for respondent no. 2.

9. Learned APP for the State submits that he has no objection to the present petition.

10. Having heard learned counsels appearing for the parties, this Court notes that the matter has been finally settled between the petitioner and respondent no. 2. The petitioner has already deeply apologised to respondent no. 2.

11. It is to be noted that Section 279 of the IPC, under which petitioner has been charged, is a non-compoundable offence.

12. It is no longer *res-integra* that this Court has the power to quash the criminal proceedings in cases of non-compoundable offences under the Cr.P.C (Now the BNSS), wherein, the parties have settled the matter



between themselves. Thus, this Court is of the opinion that it would be unfair or contrary to the interest of justice to continue with the criminal proceedings in the present case, since the offence, although non-compoundable, is in the nature of a personal body injury and the same has been resolved by way of Mediation.

13. It is further to be noted that the present dispute between the parties neither involves any heinous or serious offence like murder or dacoity, nor any serious crime that involves public servants under any special statute. The dispute between the parties is predominantly private in nature and the parties have amicably settled their disputes.

14. This Court also takes note of the statement jointly made by both the parties that Memorandum of Settlement dated 22nd August, 2024 has been entered into voluntarily on the advice of well-wishers and other members of the society.

15. It is to be noted that the present dispute is in the form of private nature between the petitioner and respondent no. 2 and no loss or damage has been caused to any member of the public at large.

16. The Supreme Court has clearly held that in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of Cr.P.C), 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.

17. The Supreme Court, in ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, has held as follows:

“xxx xxx xxx



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.

xxx xxx xxx”

(Emphasis Supplied)

18. Further, in *Narinder Singh and Others. Versus State of Punjab and*



Another., (2014) 6 SCC 466, the Supreme Court has also laid down guidelines for High Courts for accepting settlement deeds executed between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“xxx xxx xxx

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.

xxx xxx xxx”

(Emphasis Supplied)

19. Accordingly, no fruitful purpose would be served in continuing with the criminal proceedings in view of the settlement between the parties. Thus, it would be in the interest of justice that the present FIR and all proceedings emanating therefrom, are quashed.

20. It is to be noted that this Court in the case of ***Deepak Kumar Versus State (Govt. of NCT) of Delhi and Another., 2024 SCC OnLine Del 1305***, while quashing an FIR on the basis of settlement between the parties, held as follows:

“xxx xxx xxx

6. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

xxx xxx xxx”

(Emphasis Supplied)



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21. Having regard to the above discussion, the present petition is allowed.
22. *FIR 0274/2021* dated 31st May, 2024, under Sections 279 and 337 of the IPC, registered at PS Amar Colony, and subsequent Chargesheet, along with all proceedings emanating therefrom, are hereby quashed.
23. The parties will remain bound by the terms of the Memorandum of Settlement dated 22nd August, 2024.
24. The present petition, along with the pending application, accordingly stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 21, 2026

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