



2026:DHC:8596



\$~74

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 28<sup>th</sup> September, 2026**# **CNR No. DLHC010465502026**+ **CRL.M.C. 7267/2026 & CRL.M.A. 30378/2026****ABHISHEK BHARDWAJ & ORS.**

.....Petitioners

Through: **Mr. Brij Mohan Sharma, Advocate**  
**Mob: 9810070374**

versus

**STATE GOVT. OF NCT OF DELHI AND ANR. ....Respondents**Through: **Ms. Kiran Bairwa, APP for State**  
**SI Himanshu Yadav, PS Najafgarh**  
**ASI Geeta, PS Dwarka North**  
**Mr. Ashish Sheoran, Advocate for R-**  
**2, along with R-2 in person****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of the First Information Report ("FIR") being *FIR No. 60/2022* dated 24<sup>th</sup> January, 2022, registered at Police Station ("PS") Najafgarh, Dwarka, Delhi, under Sections 323/354/34 of the Indian Penal Code, 1860 ("IPC"), and Section 8 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act"), along with all consequential proceedings arising therefrom, on the ground of settlement.
2. A Chargesheet dated 24<sup>th</sup> March, 2023, has been filed by the

Signature Not Verified

Digitally Signed  
By: HARIOM SHARMA  
Signing Date: 01.10.2026  
09:39:26**Page 1 of 7**



2026:DHC:8596



concerned Investigating Officer (“IO”) in respect of the aforesaid FIR before the Trial Court. As per the Chargesheet, petitioners nos. 1 and 2 have been charged under all the Sections, as stated in the FIR, while petitioner nos. 3 and 4 have only been charged under Sections 323/34 of the IPC.

3. Issue notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) appearing for the State, i.e., respondent no. 1, as well as by learned counsel appearing for respondent no. 2.

4. As per the documents on record, the following facts have been culled out:

4.1. The petitioners are the family members of respondent no. 2’s sister-in-law, i.e., her brother’s wife. Petitioner nos. 1 and 2 are the sister-in-law’s cousins, being the sons of her maternal aunt; petitioner no. 3 is the sister-in-law’s aunt; and petitioner no. 4 is the sister-in-law’s mother.

4.2. Respondent no. 2 has alleged that shortly after her brother’s marriage, a fight broke out between her brother and his wife.

4.3. Following the fight, respondent no. 2’s sister-in-law, accompanied by the petitioners, arrived at the residence of respondent no. 2 and her family to collect her belongings.

4.4. It is alleged that the petitioners began beating respondent no. 2’s brother. When respondent no. 2 intervened to protect him, petitioner nos. 1 and 2, acting upon the direction of petitioner nos. 3 and 4 to dishonour her, *inter alia*, sexually and physically assaulted her by touching her private parts and pinching her near the abdomen. Consequently, *FIR No. 60/2022* was registered at the instance of respondent no. 2.

4.5. A separate FIR being *FIR No. 80/2022* was registered against the family members of respondent no. 2 pursuant to a complaint dated 02<sup>nd</sup>



2026:DHC:8596



February, 2022, regarding the aforesaid incident. By the orders dated 17<sup>th</sup> February, 2022, passed in the bail applications of petitioner nos. 1 and 2 arising out of *FIR* 60/2022, the Additional Sessions Judge, Fast Track Court (POCSO)-03, South-West District, Dwarka Courts, New Delhi, took note of *FIR* No. 80/2022 and observed that, *prima facie*, the petitioners and respondent no. 2's family members had physically assaulted each other, resulting in injuries on both sides. The Court also noted a witness's statement that no sexual assault had occurred on the date of the alleged incident.

5. Learned counsel appearing for the petitioners submits that the petitioners and respondent no. 2 have settled their dispute.

6. He informs this Court that respondent no. 2's brother and his wife, i.e., respondent no. 2's sister-in-law, have executed a Settlement Agreement dated 14<sup>th</sup> July, 2026, before the Delhi Mediation Centre, Rohini District Courts, Delhi, wherein, they have agreed to dissolve their marriage by mutual consent, and respondent no. 2's brother has agreed to pay a total amount of Rs. 13,00,000/- to his wife. Further, the wife has agreed to cooperate in quashing of *FIR* No. 289/2022, which was another *FIR* registered against respondent no. 2's brother and other family members.

7. It is noted that the terms of the aforesaid Settlement Agreement do not mention quashing of the present *FIR* being *FIR* No. 60/2022, however, the same forms part of the cross disputes between the parties, and they have decided to resolve all the disputes between them amicably.

8. This Court has interacted with respondent no. 2, who is present before this Court, and duly identified by her counsel and the IO.

9. She submits that she does not wish to pursue the present case any



2026:DHC:8596



further.

10. The parties have also confirmed that a settlement has been arrived at between them.

11. Respondent no. 2 confirms the fact of the said settlement and reiterates that the present case should be closed.

12. This Court is informed that *vide* order dated 14<sup>th</sup> September, 2026, in *CRL.M.C. 6774/2026* and *CRL.M.C. 6775/2026*, the connected FIRs have already been quashed by this Court.

13. Learned APP appearing for the State submits that she has no objection to the present petition considering the settlement between the parties.

14. In ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, the Supreme Court has held that in exercise of their powers under Section 482 of the Code of Criminal Procedure, 1973 (“CrPC”), corresponding to Section 528 of the BNSS, High Courts may proceed to quash criminal proceedings involving non-compoundable offences where the dispute between the parties has been settled, if, in their opinion, continuation of the proceedings would be an exercise in futility and justice demands that the dispute be brought to an end. The ultimate guiding consideration is to secure the ends of justice.

15. Further, in ***Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Versus State of Gujarat and Another, (2017) 9 SCC 641***, the Supreme Court has summarised the following guiding principles which High Courts should consider in quashing criminal proceedings:

“xxx xxx xxx

***16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:***

***16.1. Section 482 preserves the inherent powers of the High Court to***



prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

**16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.**

**16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.**

**16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.**

**16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.**

**16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**

**16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.**

**16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate**



*situations fall for quashing where parties have settled the dispute.*

*16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and xxx xxx xxx”*

*(Emphasis Supplied)*

16. This Court has interacted with respondent no. 2, who has affirmed that she does not wish to pursue the proceedings in connection with *FIR No. 60/2022* any further.

17. This Court also notes that other FIRs registered against the family of respondent no. 2 have been quashed on the basis of the Settlement Agreement dated 14<sup>th</sup> July, 2026, as recorded hereinabove, and it appears that *FIR No. 60/2022* also arises from disputes between the petitioners and the family of respondent no. 2.

18. In the facts and circumstances of the present case, this Court is of the view that no useful purpose would be served by continuation of the criminal proceedings in respect of the said FIR.

19. Considering the submissions made before this Court, it is directed that *FIR No. 60/2022* dated 24<sup>th</sup> January, 2022, registered at PS Najafgarh, under Sections 323/354/34 of the IPC, and Section 8 of the POCSO Act, and all proceedings emanating therefrom, are quashed.

20. However, considering the nature of the charges against the petitioners, it is directed that the aforesaid quashing is subject to the payment of a cost of Rs. 30,000/- to the Delhi High Court B.A. Costs Account ('A/c No. 15530110179338, Bank Name: UCO Bank, Branch Address: Delhi High Court, IFSC: UCBA0001553').

21. The said amount shall be paid, within a period of four weeks, and



2026:DHC:8596



proof of payment of the same shall be placed on record before this Court.

22. The parties will remain bound by the terms of the Settlement Agreement dated 14<sup>th</sup> July, 2026.

23. The petition, along with the pending application, is accordingly disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 28, 2026**

ak

Signature Not Verified

Digitally Signed  
By: HARIOM SHARMA  
Signing Date: 01.10.2026  
09:39:26

*Page 7 of 7*