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

CNR No. DLHC010323222025

+ **CRL.M.C. 3646/2025**

M.K. STEPHEN

.....Petitioner

Through: **Mr. Niraj Paonam and Ms. Tomthinnganbi Koijam, Advocates**
[M: +91 9810571345].

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: **Mr. Yudhvir Singh Chauhan, APP**
SI Sahil Hooda, PS Dabri.
Mr. Vishal Khadia & Mr. S.N. Gautam, Advocates for R2 & R3.
[M: +91 9873358218].
Mr. Niraj Paonam and Ms. Tomthinnganbi Koijam, Advocates
For R4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.08.2026

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 petitioner seeks quashing of FIR No. 173/2025, dated 09.03.2025, registered under Sections 110/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], at Police Station Dabri, District Dwarka, Delhi, on the ground of settlement.



2. The petition is taken up for disposal with the consent of learned counsel for the parties.
3. By order dated 19.02.2026, the application seeking impleadment was allowed, and co-accused Keke Yambem was accordingly impleaded as respondent No. 4.
4. The parties are present in Court and are duly identified by their learned counsel as well as the Investigating Officer.
5. The impugned FIR came to be registered at the instance of respondent No. 2, who stated that he resided in a rented flat at Mahavir Enclave, with his friend respondent No. 3. He alleged that on 09.03.2025, at about 5:00 AM, petitioner and respondent No. 4 allegedly forcibly entered the flat. The petitioner allegedly assaulted respondent No. 3 with kicks and punches, causing him to fall headfirst onto the kitchen slab and sustain a head injury. When others attempted to intervene, respondent No. 4 allegedly assaulted them, while the petitioner also beat respondent No.2.
6. The investigation stands completed and a chargesheet was filed against the petitioner and respondent No. 4. During argument on charge, the Sessions Court, *vide* order dated 17.04.2026, dropped the charge under Section 110 of the BNS against the petitioner and respondent No. 4, and the matter was remanded to the Magistrate's Court for trial. The said order is handed up in Court, and is taken on record.
7. It is relevant to note that, although the Medico-Legal Certificate records the injury sustained by respondent No. 3 as dangerous, the injury was sustained when respondent No. 3 fell and struck his head against the kitchen slab following the alleged punch. The FIR does not allege the use



of any fire arm or sharp weapon, or any separate act directed towards causing the head injury.

8. During the pendency of the investigation, the parties amicably resolved their disputes and executed a Settlement Deed dated 24.03.2025.

9. Learned counsel appearing for the parties submit that the settlement between the parties was arrived at voluntarily, without any coercion, undue influence or pressure. Respondent Nos. 2 and 3, who are present in Court, also affirm the settlement, and state that there is no subsisting grievance. Respondent No. 3 further states that he has since recovered from his injury, and there is no lasting consequence.

10. The parties, therefore, seek quashing of the impugned FIR, along with all consequential proceedings arising therefrom.

11. The Supreme Court has consistently recognized that, in appropriate cases, High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, including those involving non-compoundable offences, where the parties have amicably settled their disputes, provided that such settlement does not adversely affect any overriding public interest.

12. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has 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

¹ (2012) 10 SCC 303.



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.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings.

The relevant observations in the said decision read as under:

“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:

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

13. The aforesaid principles, when applied to the facts and circumstances of the present case, justify the exercise of the inherent jurisdiction of this Court to give effect to the settlement arrived at

⁴ Emphasis supplied.



between the parties. The dispute between the parties arose out of a quarrel between friends. Significantly, the parties have amicably resolved their differences within a short period of the registration of the FIR. Respondent No. 3 has also stated that, he has since fully recovered from his injuries, and is not suffering from any residual or lasting consequences thereof. It is also relevant that there are no allegations of use of any sharp weapon or firearm. The charge under Section 110 BNS has also been dropped. The parties remain friends, and have also categorically stated before the Court that they harbour no subsisting grievance against each other. The respondent Nos. 2 and 3 have stated that they have no objection to the proceedings being brought to an end. In these circumstances, continuation of the criminal proceedings would serve no meaningful purpose and would only perpetuate discord and animosity between parties. The ends of justice would, therefore, be better served by bringing the proceedings to a quietus.

14. In such circumstances, the likelihood of the proceedings culminating in a conviction is remote, and continuation of the criminal proceedings would serve no useful purpose.

15. However, in the facts of the present case, I am of the view that it would be appropriate to make the relief sought subject to undertaking community service and paying appropriate costs.

16. The petitioner and respondent No. 4 shall undertake community service for a total of six sessions of two hours each at Regional Institute of Medical Science, Manipur. They shall report to the Medical Superintendent of the Hospital, on 03.09.2026 at 11:00 AM. The Medical Superintendent is requested to assign suitable duties to them, either



individually or jointly, which may be scheduled in consultation with them, and having regard to their work-related commitments. The community service shall be completed within a period of two months from the date of commencement thereof. The Medical Superintendent is requested to issue a certificate of compliance upon completion of the community service, which shall be placed on record within two weeks thereafter.

17. The petitioner and respondent No. 4 shall also collectively pay a sum of Rs. 10,000/- to the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch] within a period of two weeks. An affidavit of compliance be filed within two weeks thereafter.

18. Subject to compliance with the aforesaid, the petition is allowed. FIR No. 173/2025, dated 09.03.2025, at Police Station Dabri, District Dwarka, Delhi, alongwith all proceedings emanating therefrom, is hereby quashed,

19. The parties shall remain bound by the terms of the settlement.

20. The petition, alongwith pending applications, accordingly, stands disposed of.

PRATEEK JALAN, J

AUGUST 21, 2026

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