

Prem Pal &Ors. vs State

Prem Pal &Ors. vs State

SooperKanoon Citation : sooperkanoon.com/1253791

Court : Delhi

Decided On : May-12-2026

Judge : Hon'Ble Mr. Justice Vimal Kumar Yadav

Appeal No. : CRL.A./11/2010

Appellant : Prem Pal &Ors.

Respondent : STATE

Advocate for Def. : Mr. Satinder Singh Bawa

Advocate for Pet/Ap. : Mr. Dheeraj Gupta, Mr. Fardeen Khan, Ms. Aashna Bhola, Mr. Krishna Shukla

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision: 12th May, 2026 IN THE MATTER OF: + CRL.A. 11/2010 & CRL.M.A. 542/2018 PREM PAL &ORS.Appellants Through: Mr. Dheeraj Gupta, Mr. Fardeen Khan, Ms. Aashna Bhola and Mr. Krishna Shukla, Advs. with all Appellants-in-person.

versus

STATERespondent Through: Mr. Satinder Singh Bawa, APP for State with SI Anuj and SI Mohit, PS Timarpur. CORAM: HON'BLE MR. JUSTICE VIMAL KUMAR YADAV JUDGMENT (ORAL)

VIMAL KUMAR YADAV, J.

1. It took more than a decade for the parties involved in case FIR No. 413/2007 to cool down their tempers and to realize the futility of resorting to violence and that is how application seeking quashing of the FIR i.e. CRL.M.A 542/2018 and the proceedings emerging there from was moved in the year 2018. 2. The incident in question took place on 24.07.2007 where the neighbours i.e. Mahesh Kumar, Kapil & Laxman Singh on one side and Prempal, Than Singh, Raju & Parmanand on other side could not save the situation which erupted through an altercation but soon thereafter spilled into a free for all where injuries were sustained by Laxman, Mahesh and

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 1 of 10 Signing Date:16.05.2026 14:54:02 Kapil. Since one of the victims i.e.Kapil had sustained injuries on his head caused by the Prempal, Than Singh, Raju and Parmanand therefore, case under Section 341, Section 323 and Section 308 read with Section 34 Indian Penal Code (IPC) was registered against them. After going through the full fledged trial and suffering the conviction under Section 308/34 and Section 341 IPC (so far as the accused were held guilty) through the Impugned Judgment dated 05.12.2009 and Order on Sentence dated 10.12.2009, they were sentenced to different period of punishments.

3. Being aggrieved by the Impugned Judgment dated 05.12.2009 and the sentence dated 10.12.2009, the instant appeal was preferred by the Appellants namely Prem Pal, Than Singh, Raju & Parmanand in the year 2010. Their sentence was suspended on the application moved vide order dated 07.01.2010. However, after about 8 years of the pendency of the appeal, an application for quashing was moved in the year 2018 where the importance of neighbourhood solidarity and cordiality was realized and emphasized. Apart from the age of the persons involved, other attending circumstances were put forth as grounds of quashing the FIR and the proceedings emanating therefrom, apart from the most important and singly vital fact that both the sides have realized that it was nothing except sheer wastage of time, money and resources by following with the appeal and instead chose to resolve the matter through the Memorandum of

Understanding (MoU) executed on 01.01.2026 and notarized on 08.04.2026.

4. A separate Quashing Petition was moved before this Court as CRL.M.C 3169/2014 which was dismissed on 09.09.2016 with the observations that in view of the pendency of the instant appeal an application should be moved before the Appellate Court. Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018 Page 2 of 10 Signing Date:16.05.2026 14:54:02

5. Taking the cue from the order dated 09.09.2016, the present application has been moved i.e. CRL.M.A. 542/2018 in respect of quashing of FIR No. 413/2007 of Police Station Timarpur. Copy of the earlier settlement on the basis of which the quashing application was filed has not been placed on record and in any case a compromise deed dated 01.01.2026 has been brought on record.

6. It is submitted that both the sides were from the poor economic strata and barely educated. They are still residing at that very address where they were living when the incident took place. Since the time of incident in July 2007, the parties have lived peacefully and calmly without creating any hindrance or impediment to each other and their effort of having the Quashing Petition moved in the year 2018 is indicative of the fact that they had realized their mistake and wanted to resolve the issue at the earliest but for the fact that the matter could not be taken up.

7. In view of the aforesaid facts and circumstances counsel for the Applicant / Appellant has come up with the plea that in view of the Memorandum of Understanding and incident free period from the year 2007 onwards, which is a testimony unto itself that what had happened was an aberration and something which occurred due to immaturity and irresponsible behaviour in the heat of passion where parties involved lost control and turned a verbal fight into a physical fight.

8. Now that they are living peacefully and comfortably with each other, in the same neighbourhood. All concerned want that the matter may be closed here and now so that they may live peacefully without the stress of having a sword hanging over their heads, so far as the Appellants are concerned.

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 3 of 10 Signing Date:16.05.2026 14:54:02 9. Learned APP on the other hand, submitted that notwithstanding the fact that the settlement has been verified by the police in which the victims have stood by the Memorandum of Understanding / compromise deed dated 01.01.2026 but, given the fact that the offence under Section 308 IPC is not compoundable and considered to be a serious offence, therefore, neither the compounding is possible nor quashing should be permitted as it would not be an appropriate signal for the society. 10. In this context, learned APP has placed reliance on the judgment in the State of Madhya Pradesh vs. Laxminarayanan 2019 (5) SCC 688, relevant portion of which is used herein under: Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under: 15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves; 15.2. Such power is not to be exercised in those prosecutions which involved 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; 15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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; [

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 &

CRL.M.A. 542/2018 Page 4 of 10 Signing Date:16.05.2026 14:54:02 because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466: (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

11. Notwithstanding the fact that the state is the prosecuting agency and the criminal offences are considered to be not only against the individual / victim but against the state and society as well, but then the aim of the whole law enforcement and administration of criminal justice can be summed up in a line that is to achieve the peace and harmony in the society, an orderly living and adherence of the laws. So the ultimate aim is to maintain peace in the society. Breach of peace happened but then it is to be seen as to under what circumstances such a breach took place and if justifiable reasons are there which support the resolution of criminal cases, then it should be encouraged. It ultimately leads to a coherence, cohesiveness and orderly living in society provided parties concerned have honestly and freely realized that peace and harmony is integral for the growth of any society or individual. 12. Humans are vulnerable and at times one loses control under certain circumstances but if the sincere acceptance of the misadventure is there then in that case the persons should be given an opportunity to resurrect

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018 Page 5 of 10 Signing Date:16.05.2026 14:54:02 themselves from the abyss of

crime to an orderly civilized living. The basic human goodness, apart from certain exceptions, is the universal truth. In this context victim of the German pogrom in second world war against the Jews is a very distinguished example which is nothing but the Memoirs / Diary of a young girl by Anne Frank which was found after she and her family were killed during the second world war by German Nazis where the little girl said that she still believes in the basic goodness of the human beings, despite all what was going around her in the name of racial superiority. She wrote: In spite of everything, I still believe that people are really good at heart

13. In such circumstances, there appears no reason not to believe in the basic goodness of the human beings and extend an opportunity of course correction. 14. The judgment relied upon by learned APP talks about the principles of law qua quashing and the emphasis, apart from other things, is that in heinous offences the quashing should not be done / encouraged. There is no quarrel qua the principles but here is a case when the offence is not that heinous so as to deny the relief sought through compromise deed. 15. There is no legal impediment in such a quashing where compounding is not possible but otherwise strong reasons are there to put an end to a dispute where non-compoundable offences are involved. The basic idea is to secure the ends of justice and prevent the process of the Court. Reference in this context can be made to the judgment in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303. 16. In *Narinder Singh vs. State of Punjab*, (2014) 6 SCC 466 the Honble Supreme Court has observed that though offences punishable

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 6 of 10 Signing Date:16.05.2026 14:54:02 under Section 307 IPC are ordinarily regarded as grave offences, having serious impact upon the society but the High Court while exercising the jurisdiction under Section 482 Cr.P.C is not denuded of the power to examine whether the invocation of Section 307 IPC is borne out from the factual conspectus of the case, having regard to the nature of injuries sustained, the weapon allegedly used, the stage of proceedings and the likelihood of the conviction. This indicates that in serious offences like 307 IPC quashing can be considered where it is borne out from the record that the circumstances warrants so. There is a very thin line of an incident turning into

307/308 IPC from Section 323 IPC and vice-versa. 17. A blow on the head, maybe resulting into simple injury can be considered to be an act covered under Section 307/308 as the case may be. Whereas there are numerous examples that charges were framed under Section 307/308 but ultimately the conviction was recorded under Section 323 IPC. 18. The decision in Ramgopal vs. State of Madhya Pradesh, (2022) 14 SCC 531, is of pivotal importance as it expands and consolidates the jurisprudence governing the exercise of inherent powers under Section 482 Cr.P.C., particularly in cases involving post-conviction settlements. The judgment provides a structured and principled framework for balancing private compromise with societal interest, thereby guiding High Courts in determining when quashing of non-compoundable offences would truly serve the ends of justice. Relevant paragraphs are as stated below: 12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 7 of 10 Signing Date:16.05.2026 14:54:02 inherent powers under Section 482Cr PC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non- heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and

after the incidence. The touchstone for exercising the extraordinary power under Section 482Cr PC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482Cr PC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice..

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a settlement through duress, threats, social boycotts, bribes or other dubious means. It is well said that let no guilty man escape, if it can be avoided.

19. We thus sum up and hold that as opposed to Section 320 Cr PC 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 482Cr PC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 8 of 10 Signing Date:16.05.2026 14:54:02 Section 320Cr PC. 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.

19. If the aforesaid principles are applied to the facts of the instant case then it can be seen that it is a case where this extraordinary power / jurisdiction can be exercised. Parties are barely literate / educated, belong to same vicinity, known to each other for a long time and the genesis of the dispute appears to be a kind of misunderstanding concerning the Complainants daughter and the Appellant Parmanand @ Deva. The injuries sustained by the victims / injured. i.e. Laxman Singh, Mahesh Kumar & Kapil were simple in nature as has been reflected in the MLC and recorded by the learned Trial Court as well. The weapon used in the incident was a lathi / danda and admittedly no grievous injury, fracture or permanent disability etc. was caused to any of the injured persons. Parties are living in the same vicinity as they were, in peace and harmony as no incident, thereafter, occurred or reported. In these circumstances, the parties have expressed their sincere desire and commitment to peace and that the matter may be quashed in terms of the memorandum of understanding. 20. In view of these facts and circumstances, where the nature of dispute

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018
Page 9 of 10 Signing Date:16.05.2026 14:54:02 was basically personal or individual, no grievous injury was caused to anyone, the settlement being genuine and voluntary, therefore, there appears no reason to continue with the appeal or to decline the application for quashing of the proceedings due to the settlement, would not only further the cause of justice rather extinguish a subtle acrimony amongst the parties involved or a kind of grudge being there. Thus, in view of the entire gamut of facts and circumstances this Court is satisfied that it is the fit case for exercise of inherent powers under Section 482 Cr.P.C (Section 528 BNSS) in order to secure the ends of justice. Accordingly FIR No. 413/2007 registered at Police Station Timarpur under Section 323/341/308/34 IPC and all the proceedings emanating there from, including the judgement of conviction dated 05.12.2009 and the Order on Sentence dated 10.12.2009 are hereby quashed. 21. The Appellant stands acquitted. The bail bond stands discharged. Sureties are free to have their original documents, if any, and endorsements on the documents cancelled, if any. 22. The appeal and the pending applications if any, in view of the aforesaid, stands disposed of accordingly.

VIMAL KUMAR YADAV, J. May 12, 2026/hk

Signature Not Verified Signed By:PRIYA CRL.A. 11/2010 & CRL.M.A. 542/2018

Page 10 of 10 Signing Date:16.05.2026 14:54:02

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com