

Bhim Sen and Others vs the State and Another

Bhim Sen and Others vs the State and Another

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Court : Delhi

Decided On : Mar-30-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./1787/2026

Appellant : Bhim Sen and Others

Respondent : The State and Another

Advocate for Pet/Ap. : Mr. Pradeep Chaudhary, Ms. Manjeet Arya, Mr. Abhimanyu Arya, Mr. Mohit Bansal, Mr. Neeraj Khatana, Mr. Mohit Bansal, Mr. Neeraj Khatana, Ms. Manjeet Arya, Mr. Abhimanyu Arya, Mr. Pradeep Chaudhary

Judgement :

\$~50 & 51

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1750/2026, CRL.M.A. 7145/2026 JAI SINGH AND OTHERS
.....Petitioner Through: Mr. Pradeep Chaudhary, Adv

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.Respondent
Through: Ms. Manjeet Arya, APP with Mr. Abhimanyu Arya, Adv. Mr.
Mohit Bansal, Mr. Neeraj Khatana, Advs. SI Harsh Vardhan

+ CRL.M.C. 1787/2026, CRL.M.A. 7345/2026 BHIM SEN AND OTHERS
.....Petitioner Through: Mr. Mohit Bansal, Mr. Neeraj Khatana, Advs.

versus

THE STATE AND ANOTHERRespondent Through: Ms. Manjeet
Arya, APP with Mr. Abhimanyu Arya, Adv. Mr. Pradeep Chaudhary, Adv
SI Rohtash Kr. DCC ASI Vikram Singh

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 30.03.2026

1. The present petitions are filed under Section 528 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 [BNSS] (corresponding to Section 482

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 1 of 7 of the Code of
Criminal Procedure, 1973 [Cr PC]) seeking quashing of two cross-FIRs,
being FIR No. 89/2017 [subject matter of CRL.M.C. Code, 1860 [IPC]
and FIR No. 90/2017 [subject matter of CRL.M.C. the IPC. Both FIRs are
registered at Police Station Karawal Nagar, District North East, Delhi.
The petitions are founded on a compromise arrived at between the
parties.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public

Prosecutor, accepts notice on behalf of the State in both petitions. Mr. Pradeep Chaudhary and Mr. Mohit Bansal, learned counsel, accept notice on behalf of their respective respondents.

3. The petitions are taken up for hearing together with the consent of

learned counsel for the parties.

4. The parties belong to the same village, and the dispute arose due to

a claim upon a plot situated in Karawal Nagar, Delhi. The FIRs are registered at the instance of respondent No. 2 in each case.

5. In CRL.M.C. 1750/2026, FIR No. 89/2017 was registered under

Sections 308/34 of the IPC upon the complaint of respondent No. 2 therein, alleging that he was assaulted by the petitioners with sticks, iron rods, and bricks at a disputed plot. The Medico-Legal Case [MLC] recorded at Jag Parvesh Chandra Hospital opined the nature of injuries as simple.

6. In CRL.M.C. 1787/2026, FIR No. 90/2017 was registered upon the

complaint of respondent No. 2 therein, alleging that she was physically assaulted by the petitioners, who entered her farm and attacked her with

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 2 of 7 kicks and blows, outraged her modesty, and caused injuries. The MLC recorded at Jag Parvesh Chandra Hospital opined nature of injuries as simple.

7. Upon completion of investigation, chargesheets have been filed in

both cases.

8. The parties seek quashing of the FIRs on the ground that they have

now decided to bury the hatchet. To this effect, the parties have settled their disputes amicably by way of a Memorandum of Understanding dated 28.02.2026, without any monetary consideration. Affidavits of the respective complainants have been placed on record, affirming the voluntary nature of the settlement and conveying their no objection to the quashing of the impugned FIRs and all consequential proceedings.

9. All parties are present in Court and are identified by the

Investigating Officer and by their learned counsel. The parties have confirmed before the Court that they have amicably settled their disputes, and do not wish to proceed with the criminal proceedings against each other.

10. Learned counsel for the parties submit that the allegations under

Section 354 of the IPC arose out of a misunderstanding, stemming from trivial neighbourhood disputes between the parties. I am further informed that the parties continue to reside in the same neighbourhood till date.

11. 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 PC), 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,

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 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

(2012) 10 SCC 303.

Emphasis supplied.

(2014) 6 SCC 466.

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 4 of 7 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:

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

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 5 of 7 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 Supreme Court, in its three-Judge Bench decision in

*Ramawatar v. State of M.P.*⁵, has clearly held that the High Court, in exercise of its inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the Cr PC), is competent to quash criminal proceedings even in cases arising under special statutes. The Supreme Court specifically clarified that this power extends to offences under the SC/ST Act as well, and held as follows: 17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a special statute would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482Cr PC.⁶

14. Applying the aforesaid principles to the present case, this Court is

of the view that the present matters constitute a fit case for exercise of its inherent jurisdiction to quash the cross-FIRs. The disputes arise out of a neighbourhood altercation, and it is stated that the parties continue to reside in the same locality. The injuries sustained by the parties, as reflected in the MLCs, are simple in nature. The allegations under

Emphasis supplied.

(2022) 13 SCC 635.

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 6 of 7 Sections 354/354B/509 of the IPC appear to have arisen out of a misunderstanding in the course of the said dispute, and no element of heinous criminality is discernible. In these circumstances, quashing of the FIRs would subserve the ends of justice by enabling the parties to live in peace and harmony, rather than perpetuating discord. In view of the amicable settlement arrived at between the parties, the likelihood of conviction is also remote. Continuation of the criminal proceedings would, therefore, serve no useful purpose and would amount to an unnecessary burden on judicial resources.

15. The petitions are, therefore, allowed, and all proceedings

emanating from FIR No. 89/2017 [subject matter of CRL.M.C. Code, 1860 [IPC] and FIR No. 90/2017 [subject matter of CRL.M.C. both registered at P.S. Karawal Nagar, are hereby quashed.

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

17. The petitions, alongwith the pending applications, accordingly

stand disposed of.

PRATEEK JALAN, J

MARCH 30, 2026

SS/JM/

Emphasis supplied.

CRL.M.C. 1750/2026 & CRL.M.C. 1787/2026 Page 7 of 7

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