

Jitender Kumar vs the State (Nct) of Delhi & Anr.

Jitender Kumar vs the State (Nct) of Delhi & Anr.

SooperKanoon Citation : sooperkanoon.com/1273774

Court : Delhi

Decided On : Apr-08-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./8815/2025

Appellant : Jitender Kumar

Respondent : The State (Nct) of Delhi & Anr.

Advocate for Def. : Ms. Manjeet Arya, Mr. C.P. Singh

Advocate for Pet/Ap. : Mr. Gaurav Dixit

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 8815/2025, CRL.M.A. 36765/2025, CRL.M.A. JITENDER KUMARPetitioner Through: Mr. Gaurav Dixit, Advocate.

versus

THE STATE (NCT) OF DELHI & ANR.Respondents Through: Ms. Manjeet Arya, APP. ASI Parmod Kumar. Mr. C.P. Singh, Advocate for R-2.

CORAM:

HONBLE MR. JUSTICE PRATEEK JALAN

ORDER

% 08.04.2026

1. The petitioners have filed this petition under Section 528 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 [Cr PC]) seeking quashing of FIR No. 445/2024 dated 22.06.2024, registered at Police Station Burari, District North, Delhi, under Sections 323/354/506/509 of the Indian Penal Code, 1860 [IPC], and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. C.P. Singh, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petition is taken up for disposal with consent of learned counsel of parties.

4. The impugned FIR has been registered at the instance of respondent No. 2. The petitioner is a neighbour residing on the first floor of the same building as respondent No. 2.

5. Respondent No. 2 lodged a complaint alleging that the petitioner,

on 14.05.2024 at about 10:00 AM, abused her when she objected to his entry in the absence of her husband, and further threatened to kill her and her family. It is further alleged that he used criminal force by pushing her and kicking her, causing injuries, and also made obscene remarks and threatened to strip her naked, thereby outraging her modesty. Based upon the said complaint, the subject FIR was registered on 22.06.2024.

No chargesheet has yet been filed.

6. During the pendency of investigation, the parties have since

entered into a settlement, as recorded in a Compromise Deed dated 07.07.2025. The settlement does not involve any monetary consideration. It records that the impugned FIR, arose out of neighbourhood misunderstandings. It is further stated that the parties have amicably settled their grievances with the intervention of elders, well-wishers, and common friends, and do not wish to pursue the criminal proceedings against each other.

7. In light of the aforesaid, they seek quashing of the impugned FIR and all consequential proceedings emanating therefrom.

8. The parties are present in Court, and have been duly identified by the Investigating Officer as well as their respective learned counsel.

7. Respondent No. 2, who is present in Court, states that the allegations under Sections 354/509 of the IPC, arose out of a misunderstanding, and that she does not wish to pursue the same.

9. Learned counsel for the parties confirm that the settlement has been entered into voluntarily, and without any coercion or undue pressure.

10. Although the offence under Sections 354 of the IPC is non-

compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the Cr PC [corresponding to Section 528 of the BNSS], 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.

11. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.*

[(2012) 10 SCC 303], 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. [Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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: 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. [Emphasis supplied.]

12. In the present case, the allegations in the impugned FIR, though

serious, appear to arise out of a neighbourhood misunderstanding, and do not implicate any larger public interest or grave criminality. Applying the principles laid down by the Supreme Court, it is pertinent to note that respondent No. 2 has affirmed the voluntary nature of the settlement before the Court. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would serve no useful purpose, while merely adding to the burden on the justice system, and resulting in unnecessary consumption of public resources.

13. Having regard to the above discussion, the petition is allowed, and

FIR No. 445/2024 dated 22.06.2024, registered at Police Station Burari, District North, Delhi, under Sections 323/354/506/509 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed. However, having regard to the circumstances giving rise to the

impugned FIR, the petitioner is directed to deposit litigation costs of Rs. 20,000/- with the Delhi High Court Bar Association [A/C No. 15530110179338, IFSC No. UCBA0001553, Bank Name: UCO Bank, Branch: Delhi High Court], within two weeks from today. An affidavit of compliance shall be filed within two weeks thereafter.

14. The parties shall be bound by the terms of the settlement.

15. The petition, alongwith the pending applications, accordingly stands disposed of. PRATEEK JALAN, J APRIL 8, 2026 Bhupi/JM/

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