



2025:DHC:10740



\$~13 (25.11.2025)

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

% ***Date of Decision: November 26, 2025***

+ **CRL.M.C. 7336/2025 & CRL.M.A. 30782/2025**

SANTOSH YADAV & ANR.Petitioners

Through: Mr. Yogesh Kumar,
Advocate along with
Petitioners in person.

versus

THE STATE OF NCT OF DELHI
& ANR.

.....Respondents

Through: Mr. Raj Kumar, APP for
the State with SI Monil
Kumar and SI Lalchand,
PS Shahbad Dairy.
Respondent No.2 in
person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. Due to declaration of holiday on 25.11.2025 on account of 350th anniversary of Guru Teg Bahadur Ji's Martyrdom Day, the matter is taken up for hearing today.
2. The present petition is filed seeking quashing of FIR No. 763/2016 dated 21.10.2016, registered at Police Station Shahbad Dairy, for offences under Sections 323/341/354/34 of the Indian Penal Code, 1860 ('IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO').
3. It is alleged that on 20.10.2016, at about 9:30 PM, when



Respondent No. 2/victim was going to the market with her aunt, the parties had an altercation and the petitioners inappropriately touched the complainant and inflicted injuries upon the her and her aunt.

4. It is pointed out that the victim was not a minor at the time of the alleged incident and the ossification test of the victim held that she is 18 years old. Hence, the Chargesheet in the present case was filed for the offences under Sections 323/341/354/509 of the IPC.

5. The present petition is filed on the ground that the parties have settled their disputes by way of Compromise Deed/Memorandum of Understanding dated 13.05.2025, out of their free will without any pressure, coercion or undue influence.

6. It is stated that the parties are neighbours and a misunderstanding led to an altercation between the parties which led to filing of the present FIR and also a Cross FIR by the petitioners, with exaggerated allegations.

7. It is further stated that the present proceedings have been pending since the year 2016. It is further stated that the charges have yet not been framed and the parties have now resolved their disputes and are residing happily in the neighbourhood.

8. The petitioners and Respondent No. 2 are present in the Court. They have been duly identified by the Investigating Officer.

9. Respondent No. 2 states that in the FIR, exaggerated allegations have been levelled by her, due to ill-advice given at that stage to the complainant and the FIR was lodged only due to



a misunderstanding. She further states that the parties are neighbours and the matter stands settled and she does not have any remaining grievance against the petitioners. She also states that she does not wish to pursue any proceedings arising out of the present FIR and has no objection if the same is quashed.

10. The Petitioners also state that due to prior animosity and a misunderstanding between the parties, they had also filed a cross FIR, only as a counterblast to the present FIR. They further state that the quashing petition on the basis of settlement, with respect to the said cross FIR, has also been filed and the same is pending consideration.

11. The parties undertake that they will not indulge in such activities in the future. The parties are bound to the said undertaking.

12. Offences under Sections 323/341/509 of the IPC are compoundable whereas offence under Section 354 of the IPC and Section 8 of the POCSO are non-compoundable.

13. It is well settled that the High Court while exercising its powers under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**') (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Supreme Court had observed 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)

14. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641***, the Hon’ble Supreme Court had observed as under :-

“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

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

15. It is not in doubt that the offences under Section 354 of the IPC and Section 8 of the POCSO Act are heinous in nature and involve mental depravity. Offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, cannot be said to be offences *in personam* as the same are crimes against the society.

16. However, admittedly, the victim was a major at the time of the incident and the chargesheet also reveals that the victim's ossification test was conducted on 16.12.2016 in which her age has been held as 18 years. Hence, *prima facie* the applicability of the POCSO Act is not attracted.

17. It has also come on record that there existed animosity between the parties, which escalated into an altercation on the date of incident. As a consequence, not only was the present FIR lodged with allegations that the complainant herself now admits



were exaggerated and made under ill-advice, but the petitioners also filed a counter-FIR, which they candidly concede was likewise an exaggerated reaction and a counterblast. The quashing petition in respect of the said counter-FIR has been filed and is pending consideration.

18. The existence of such cross-cases, both arising out of the same neighbourhood discord, further demonstrates that the criminal law machinery was invoked with more passion than prudence. This Court finds it necessary to reiterate that the criminal justice system cannot be used as a tool for settling personal scores. Lodging FIRs with inflated allegations, particularly invoking serious sections without adequate basis, not only undermines the purpose of criminal law but leads to prolonged hostility, avoidable litigation, and wastage of judicial time. Such practice, unfortunately not uncommon, is strongly deprecated. Parties must be conscious that initiation of criminal proceedings carries serious consequences and must not be undertaken lightly or on the spur of anger or ill-advice. Parties are expected to exercise greater responsibility before initiating criminal proceedings of this nature.

19. In the present case, the parties are acquaintances and have decided to live peacefully in future and have undertaken not to indulge in any such conduct in future. The complainant herself does not wish to pursue the matter any further. In the peculiar circumstances of the case, considering the nature of allegations, the age of the victim, the admitted exaggerations in the FIR and the bleak chances of securing a conviction in such circumstances,



2025:DHC:10740



this Court is satisfied that continuation of the proceedings would amount to sheer abuse of the process of Court, that too when the case has been pending since the year 2016 and the charges have yet not been framed.

20. Hence, this Court feels that no useful purpose would be served by keeping the dispute alive and continuation of the proceedings would only cause ill will to fester between the parties and undue harassment especially since the parties have now settled their disputes. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

21. In view of the above, FIR No. 763/2016 and all consequential proceedings arising therefrom are quashed.

22. The petition is allowed in aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 26, 2025/DU