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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 29th September, 2026*# **CNR No. DLHC010988802024**

CRL.M.A. 30625/2026

IN

+ **W.P.(CRL) 4076/2024****MS. PRIYA SAHANI @ POOJA & ORS.**PetitionersThrough: **Mr. Rishabh Kapoor, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS.RespondentsThrough: **Ms. Rupali Bandhopadhyaya, ASC for
State with Mr. Abhijeet Kumar,
Advocate for State
SI Rajesh Chauhan, P.S. Palam
Village****CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)****CRL.M.A. 30625/2026 (early disposal on the basis of settlement)**

1. This application has been filed on behalf of the respondent no.3 seeking early disposal of the petition on the basis of settlement.
2. For the reasons stated, the application is allowed and the writ petition is taken up for disposal.

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3. The present writ petition has been filed seeking quashing of FIR No.0338/2024 dated 2nd June, 2024 registered for offences under Section



307/506/34 of the Indian Penal Code, 1860 (“IPC”) and Section 27 of the Arms Act, 1959, at Police Station Palam Village, Delhi, on the basis of settlement.

4. Briefly stated, the FIR came to be registered pursuant to a dispute between the parties relating to a monetary transaction. As per the allegations in the FIR, the petitioners went to the house of respondent no.2 in connection with the said dispute, where an altercation took place. It is alleged that the petitioner no.1 called her bodyguard, the petitioner no.2, who fired shots from a firearm, one of which allegedly struck respondent no.3, Arshad Khan. The FIR further contains allegations of threats and damage to property.

5. The investigation has since been completed and the charge-sheet as well as a supplementary charge-sheet have been filed before the Trial Court.

6. In terms of the status report filed on behalf of the State, it is stated that the injured was medically examined and was opined to have sustained simple injuries. The nature of injury has been described as “simple blunt” as per the MLC of the injured, *i.e.* respondent no. 3. It is also stated that the firearm has been verified to be licensed. Along with the status report, a copy of the said MLC and license of the weapon has been attached.

7. It is the case of the petitioners that the parties have settled their disputes in terms of the memorandum of understanding/settlement deed dated 18th July, 2024, a copy of which has been placed on record as Annexure P-7 to the present petition.

8. In terms of the settlement deed, it is stated that the parties have settled their disputes without any coercion or undue pressure. It is further stated that the parties are neighbours and no dispute now remains between the parties.



9. ASC, appearing on behalf of the State, opposes the settlement on the ground that it was a serious offence, including Section 307 of the Indian Penal Code, 1860 (IPC).

10. I have heard counsel for the parties.

11. It is well settled that, even in the case of non-compoundable offences, the High Court may exercise inherent powers, recognised by Section 482 of the Cr.P.C./Section 528 of BNSS, to quash proceedings based on a compromise between the parties. However, the aforesaid power is discretionary and subject to certain principles which guide the Court in adjudicating an application of this nature. [Ref: **Gian Singh v. State of Punjab**¹].

12. A reference may be made to the judgment in **Narinder Singh & Ors. v. State of Punjab & Anr.**², wherein the Supreme Court, applying **Gian Singh** (supra), laid down the guiding principles for exercise of inherent jurisdiction under Section 482 Cr.P.C. for quashing criminal proceedings on the basis of settlement, including the manner in which cases involving Section 307 IPC are to be assessed having regard to the nature of injury, weapon used, possibility of conviction, nature of the dispute and timing of settlement. The relevant paragraphs of the said judgment are set out below:

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:

¹ (2012) 10 SCC 303.

² (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. ...

29.4. ...

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.**

29.6. **Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely 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 proving 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. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can**



refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

[Emphasis supplied.]

13. In *Naushey Ali & Ors. v. State of U.P. & Anr.*³, the Supreme Court allowed the appeal against the order passed by the Allahabad High Court, whereby the petition seeking quashing of the proceedings under Section 307

³ 2025 INSC 182.



IPC was dismissed on the ground that the offence could not be compounded. It was held that the mere use of the expression “Section 307 IPC” or the invocation of Section 307 in the criminal proceedings cannot be determinative to compel the High Court to refuse to examine the settlement. The Court is required to assess the factual matrix, including the nature of the injury and weapon, and determine whether the allegations, on the material collected, constitute a case in which continuation of the criminal proceedings would serve the ends of justice.

14. Coming to the facts of the present case, the FIR invokes Section 307 IPC as well as Section 27 of the Arms Act. However, applying the aforesaid principles, the nature of the injury assumes significance. The MLC of the respondent no.3 records the injury as “simple blunt”. The record further reflects that the firearm in question was a licensed weapon.

15. Taking into account the simple nature of the injury, the fact that the parties are known to each other and have voluntarily settled their disputes and that the settlement has been arrived at an early stage of the proceedings, when the chargesheet has only recently been filed and the trial is yet to commence, coupled with the unequivocal stand of the complainant and injured that they do not wish to pursue the matter, this Court is of the view that the present case falls within the category where the jurisdiction of this Court under Section 528 BNSS can be exercised.

16. Accordingly, this Court is inclined to quash the FIR in light of the settlement even though Section 307 of IPC is invoked.

17. The respondents no.2 and 3 are present in Court and have been identified by their counsel as well as by the Investigating Officer (‘I.O.’). They inform the Court that they have settled the matter of their own free will



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and without any coercion. They further state that they have no objection to the quashing of the present FIR.

18. The petitioners are also present in Court and have been identified by their counsel. They affirm the statement of the respondents no. 2 and 3 and undertake to abide by the terms of settlement arrived at between the parties.

19. Considering the above settlement between the parties, no useful purpose would be served by continuing with the proceedings of the present FIR and it would be an unnecessary burden on the State exchequer. Hence, it would be in the interest of justice to quash the present FIR and the proceedings pursuant thereto.

20. Consequently, FIR No.0338/2024 registered at Police Station Palam Village, on the basis of settlement and the proceedings pursuant thereto are quashed, subject to payment of costs of Rs.25,000/- each by the petitioners no.1 to 4 to 'Chintan Environmental Research and Action Group, 238, Sidhartha Enclave, New Delhi, India – 110014.'

21. The necessary compliance report shall be filed with the Registry within four (4) weeks from today.

22. The petition stands disposed of.

AMIT BANSAL, J

SEPTEMBER 29, 2026
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