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

\# **CNR No. DLHC010392112026**

% ***Date of Decision: 17.11.2026***

\+ **CRL.M.C. 6171/2026, Crl.M.A.25805/2026 (Exemption)**

SUBROTO PODDAR .....Petitioner

Through: Mr. Sanjay Sharma, Adv. along with petitioner.

versus

STATE NCT OF DELHI & ORS. .....Respondents

Through: Mr. Hemant Mehla, APP for State along with Mohd. Naved and Mr. Mayank Chaudhary, Adv.
R-2 and R-3 (through v/c)
SI Akash Kumar, PS Bhajan Pura

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

The matter is taken up today as 16.11.2026 was declared a holiday on account of Chatth Puja.

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") seeking quashing of FIR No. 630/2016 dated 06.09.2016, registered at P.S. Bhajanpura, North-East District, Delhi, originally under Sections 506/509 IPC, in which chargesheet has been filed under Sections 354A/506/509/34 IPC, along with all proceedings emanating therefrom.

2. The present petition is based on a settlement arrived at between the parties as recorded in a Memorandum of Understanding dated 08.05.2026

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("MoU"). Respondent no. 2 is the complainant, and respondent no. 3 is his wife.

3. The factual background of the present matter is as follows:

(i) The petitioner and the respondent nos. 2 and 3 are neighbours residing in Yamuna Vihar, Delhi.

(ii) As per the FIR, on 29.05.2016, the complainant (respondent no. 2), who had purchased his premises about a month earlier, was unable to take his car inside his house as the main gate/common passage was obstructed by a car parked by the petitioner. It is alleged that when the complainant honked, the petitioner abused him, hurled abuses, entered the complainant's house, caught hold of the hand of the complainant's wife (respondent no. 3) and pulled her out, and threatened to kill them, asserting that the car had been parked at that spot for twenty years and would continue to be parked there.

(iii) The complaint was filed, pursuant to which the subject FIR came to be registered on 06.09.2016 under Sections 506/509 IPC. During investigation, Sections 354A/34 IPC were added. Chargesheet was thereafter filed against the petitioner under Sections 354A/506/509/34 IPC.

(iv) *Vide* order dated 26.03.2022, the learned MM (Mahila Court), Karkardooma Courts framed charges against the petitioner under Sections 452/354/354A/506/509/34 IPC.

(v) On 08.05.2026, the parties executed the MoU, whereby they resolved all their disputes. In terms of the MoU, the parties have stated that they have no subsisting grievance against each

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other and do not wish to pursue the FIR or any proceedings arising therefrom. Both sides have also undertaken not to initiate any future proceedings concerning the subject matter. The MoU does not provide for any payment. The respondent nos. 2 and 3 have also filed affidavits stating that they have no objection to the quashing of the FIR and the consequential proceedings

4. Learned counsel for the petitioner submits that the disputes / FIR emanated from a private quarrel between neighbours over parking. The dispute is more than ten years old and now stands amicably resolved. It is further stated that the petitioner, aged about 61 years, has no criminal antecedents apart from the present FIR.

5. The petitioner is present in Court and the respondent nos. 2 and 3 have joined the proceedings virtually. The parties have been duly identified by the Investigating Officer (IO). The respondents state that the matter has been settled and that the settlement has been arrived at out of their own free will and volition, without any force, coercion or undue influence. They categorically submit that they have no objection to the quashing of the subject FIR and all proceedings emanating therefrom.

6. The following aspects weigh with this Court:

(i) The dispute arose from a quarrel between neighbours over blocking of a common passage by a parked car. It is an isolated incident of 29.05.2016 between private individuals, with no larger public element.

(ii) Although the FIR subsumes charges under Sections 354/354A

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IPC, by the material on record it is evident that the allegations arise out of the quarrel between the parties over parking. No weapon or injury is referred to in the FIR, and there is no medical record.

(iii) The respondent no. 3 has affirmed that the allegations under Section 354 IPC were premised on a misunderstanding. She submits that the matter has now been settled, and all misunderstandings stand removed.

(iv) The trial is at a nascent stage of evidence, and since the complainant and his wife no longer wish to continue the case, the possibility of a conviction is remote and bleak.

(v) The proceedings have been pending for almost a decade. Continuing them would only prolong the litigation between neighbours.

7. *Prima facie,* the present case is not of a kind excluded from the dicta laid down in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303. The said judgment, *inter-alia,* holds as under:

> ***"61.*** *The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the*

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victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

8. In ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466, the Supreme Court held as under:

> ***"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.*
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> ***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*

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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."*

9. Applying the above principles, this Court finds that the allegations arise out of a private dispute between neighbours over parking. The alleged

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offences are not heinous offences, and they do not affect society at large. There is no allegation of any weapon or injury. The settlement is genuine and voluntary, and has been affirmed before this Court by the respondent no. 3, who is the person against whom the offences under Sections 354/354A IPC are alleged, as well as by the complainant. Continuing the proceedings at this stage would serve no useful purpose.

10. Considering the circumstances, FIR No. 630/2016 dated 06.09.2016, registered at P.S. Bhajanpura under Sections 506/509 IPC (charge sheeted under Sections 354A/506/509/34 IPC), and all proceedings emanating therefrom, stand quashed.

11. The parties shall remain bound by the terms of the settlement/MoU dated 08.05.2026 and the undertakings given therein.

12. The petition is disposed of in the above terms. Pending application also stand disposed of.

NOVEMBER 17, 2026/cl **SACHIN DATTA, J**

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