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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7954/2025 & CRL.M.A. 33248/2025**
NITIN CHINDALIYAPetitioner

Through: Mr. Rohit Prajapati and Mr. Sumit Mishra, Advocates with Petitioner in person.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for State.
SI Ravi Yadav, P.S. Govindpuri and
ASI Sunder Lal, P.S. Tigri.
Mr. Vipin Tiwari, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.11.2025

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1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 258/2022 dated 19th March, 2022, registered under Sections 394, 34 of the Indian Penal Code, 1860³ at P.S. Govind Puri, Delhi and all consequential proceedings on the basis of a Compromise/Settlement Deed executed between the parties.

¹ "BNSS"

² "CrPC"

³ "IPC"



Factual Matrix

2. The case of the prosecution, in brief, is as follows:

2.1. On 13th March, 2022, at about 9:00 PM, near Sai Mandir, Seva Singh Park, the complainant Neeraj Kumar was allegedly stopped by Nitin Chindaliya @ Kallu (the Petitioner) and an unidentified individual. The motorcycle was pushed, the complainant fell, and the Petitioner allegedly inflicted a knife injury while the associate restrained him. A sum of INR 1,500/- was allegedly taken before both fled towards the park. The complainant returned home and was then taken by PCR to AIIMS Trauma Centre.

2.2. On a PCR call and the complainant's statement at AIIMS Trauma Centre, FIR under Sections 394 and 34 IPC was registered at P.S. Govind Puri. The investigation recorded absence of eyewitnesses at the spot. The MLC from AIIMS noted a "*simple sharp*" injury.

2.3. During investigation, the complainant appeared at the police station and identified the Petitioner, already in custody in FIR No. 257/2022 dated 19th March, 2022 under Sections 25, 54 and 59 of the Arms Act, 1959 at P.S. Govind Puri, as the person who had assaulted and robbed him.

2.4. On interrogation, the Petitioner allegedly disclosed involvement with one "Raja", stating he pushed the motorcycle, used a knife, and took INR 1,500/-, keeping INR 800/- and giving INR 700/- to Raja. INR 500/- was allegedly recovered from his possession.

2.5. A charge sheet followed against the Petitioner for offences under Sections 394, 397, 411 and 34 IPC, noting that investigation against co-accused Raja continued and a supplementary charge-sheet would be filed upon his arrest.



Contentions of the Petitioner

3. Counsel for the Petitioner, in support of quashing of the impugned FIR, makes the following submissions:

3.1. The case arises out of an unfortunate incident between the parties who are neighbours and have known each other for long. The Complainant, has voluntarily consented to the quashing of the FIR for peace of harmony. He has continued to remain in touch with the Petitioner and does not wish to pursue the matter any further. He also does not intend to support prosecution against the absconding co-accused.

3.2. The inherent power under Section 528 BNSS (corresponding to Section 482 CrPC) may be exercised at any stage to prevent abuse of process or secure the ends of justice, including in appropriate non-compoundable matters. The fact that investigation culminated in a charge-sheet or that some evidence may have been led does not, by itself, foreclose quashing.

3.3. The factual matrix reflects limited criminality: the MLC records a “*simple sharp*” injury; no eyewitnesses were found at the spot; and the case substantially turns on the complainant’s identification alongside the Petitioner’s alleged disclosure, whose evidentiary use is circumscribed.

3.4. The Petitioner has no criminal antecedents apart from FIR No. 257/2022 under the Arms Act arising the same day. Even in that case, possession of the sharp object, on the Petitioner’s case, does not meet the threshold of the Delhi Administration’s notification dated 29th October, 1980, which covers knives or sharp-edged weapons of specified dimensions only when “*manufactured, sold, possessed for sale, or possessed for test*”. The asserted possession was purely personal and, therefore, beyond the



remit of the notification.

3.5. The Petitioner, aged 26 years, is the sole breadwinner of his family and has only recently secured employment, earning about INR 7,000–8,000/- per month. His father is physically disabled, having lost both legs, and there is no other caretaker in the household.

3.6. The Petitioner is ready and willing to comply with any conditions this Court may deem fit to impose, including payment of costs or compensation, in the interest of justice.

3.7. In view of the Complainant's forgiveness and consent, coupled with the Petitioner's background and reformatory conduct, it is prayed that this Court may quash the impugned FIR, along with all consequential proceedings, in the interest of justice.

Contentions of the State

4. On the other hand, Mr. Sanjeev Sabharwal, APP for the State, opposes the present petition and submits as follows:

4.1. The allegations in the present case are serious, involving robbery and use of a knife, punishable under Sections 394, 397, and 411 IPC. Such offences are not merely private disputes but crimes against society, affecting public order and safety. Hence, the FIR cannot ordinarily be quashed on the basis of a private settlement between the parties.

4.2. The investigation has culminated in a charge sheet after recovery of part of the stolen amount and disclosure of the Petitioner.

4.3. The Petitioner's age or personal circumstances, though sympathetic, cannot eclipse the gravity of the conduct alleged. The State stresses that the Court's inherent jurisdiction under Section 528 BNSS (corresponding to Section 482 CrPC) is to be exercised sparingly, and not to neutralise



prosecutions for violent, crimes that effect the society at large.

Analysis

5. The limited question for determination is whether, on the facts of the present case, FIR No. 258/2022 and all proceedings under Sections 394/397/411/34 IPC ought to be quashed on the strength of a Compromise/Settlement Deed executed between the Petitioner and the Complainant/Respondent No. 2.

6. The power of the High Court under Section 528 BNSS (corresponding to Section 482 CrPC) is an extraordinary one, to be exercised sparingly and with caution, to prevent abuse of the process of the Court or to secure the ends of justice⁴. The Supreme Court has clarified in a catena of judgments, including *Narinder Singh & Ors. v. State of Punjab & Anr.*⁵ and *Ramgopal & Anr. v. State of M.P.*⁶, that even non-compoundable offences can be quashed where the dispute is predominantly private in nature, the compromise is genuine and voluntary, the accused's antecedents are not adverse, and the continuance of proceedings would serve no useful purpose. However, such power must not be invoked in cases involving heinous, grave, or morally depraved offences, or where the offence has a public dimension such as those involving murder, rape, or offences against children.

7. In *Ramgopal*, the Supreme Court emphasized that while compounding is confined to Section 320 CrPC, the High Court's inherent power under Section 482 CrPC (corresponding to Section 528 BNSS) remains unfettered for quashing in appropriate cases where the compromise

⁴ *Gian Singh v. State of Punjab & Anr.* (2012) 10 SCC 303.

⁵ (2014) 6 SCC 466.



would serve the ends of justice. The Court clarified that such power could be exercised even post-trial or post-conviction if the offence is non-heinous, private in nature, and the settlement between the parties is bona fide. The guiding principle, therefore, is to balance the private rights of the parties with the larger public interest. The relevant portion of the judgment is as under:

“11. True it is that offences which are "non-compoundable" cannot be compounded by a criminal court in purported exercise of its powers under Section 320 CrPC. Any such attempt by the court would amount to alteration, addition and modification of Section 320 CrPC, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320 CrPC, which may justify its wider interpretation and include such offences in the docket of "compoundable" offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 CrPC is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 CrPC. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 CrPC in aid to prevent abuse of the process of any court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 CrPC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck postconviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The

⁶ (2022) 14 SCC 531.



touchstone for exercising the extraordinary power under Section 482 CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466 and *State of M.P. v. Laxmi Narayan*, (2019) 5 SCC 688.

[Emphasis Supplied]

8. Applying these principles, the following features bear emphasis: (i) the offences invoked in the present case i.e., Sections 394/397/411/34 IPC, relate to serious offences; (ii) the Complainant, has executed a Compromise/Settlement Deed and states he seeks no further action against the Petitioner; (iii) no independent eyewitnesses were found at the scene; (iv) the MLC notes a “*simple sharp*” injury; (v) investigation culminated in a charge sheet, with material including the Petitioner’s alleged disclosure and a partial cash recovery; (vi) one co-accused remains untraced; and (vii) the Petitioner, aged 26, has recently secured employment and is the sole breadwinner for a family that includes a physically disabled father.

9. The allegations under Sections 394/397 IPC are not to be taken lightly, particularly where use of a knife is alleged. However, the overall circumstances here militate against treating the incident as heinous or depraved: there is no grievous injury; no independent eyewitnesses; and only a nominal amount is said to have been recovered, with the MLC noting a “*simple sharp*” injury. The complainant has executed a Compromise/Settlement Deed and states he does not wish to pursue the matter, even *vis-à-vis* the absconding co-accused; the settlement appears voluntary and free of coercion. The Petitioner, aged 26, has no adverse



antecedents apart from a contemporaneous Arms Act FIR, which, on his showing, *prima facie* concerns personal possession and is noted only as context. His recent employment, role as sole breadwinner, and the family's circumstances (a physically disabled father and limited means) support a rehabilitative approach and weigh in favour of quashing.

10. On a specific query, the Complainant/Respondent No. 2, who appears before the Court in person and duly identified by the Investigating Officer, states unequivocally that he does not wish to pursue the FIR against the Petitioner or the other co-accused. His Affidavit/No-Objection is also placed on record. He further confirms that he and the Petitioner executed a Compromise/Settlement Deed dated 9th November, 2025, and that his decision to settle is voluntary and free from undue influence or coercion.

11. Considering the material on record against the settled parameters, the impugned FIR is a predominantly personal dispute, the settlement is voluntary and credible, the injury is simple, independent corroboration is limited, and the Complainant does not wish to prosecute any further. In these circumstances, continuation of the case would not serve any legitimate public purpose and would risk misuse of process. It is therefore appropriate to exercise the inherent jurisdiction under Section 528 BNSS (Section 482 CrPC), consistent with the judicial precedents note above.

12. In view of the foregoing, the present petition is allowed and FIR No. 258/2022 dated 19th March, 2022, registered at P.S. Govind Puri, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

13. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 10,000/- with the



Delhi Police Welfare Fund, within a period of four weeks from today.

14. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 11, 2025

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