



2026:DHC:6667



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 13.08.2026***# **CNR No. DLHC010118072016**+ **CRL.A. 43/2016 & CRL.M.A. 22553/2026****PRADEEP**Appellant

Through: Mr. Vikas Mittal, Advocate.

versus

THE STATERespondentThrough: Ms. Manjeet Arya, APP for State with
SI Mohit Bansal, PS Khyala, Delhi.**CORAM:**
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA**JUDGMENT (ORAL)****CHANDRASEKHARAN SUDHA, J.**

1. In this appeal filed under 374 of the Code of Criminal Procedure, 1973, the sole accused in Sessions Case No. 534/1/2013 on the file of the Additional Sessions Judge-02 (West), New Delhi, assails the judgment dated 30.11.2015 and order on sentence dated 16.12.2015, as per which he has been convicted and



sentenced for the offence punishable under Section 326 of the Indian Penal Code, 1872 (IPC).

2. The prosecution case is that on 27.07.2012 at about 05:00 p.m., PW2, while passing through Gali No. 4, Vishnu Garden, was talking on his mobile phone. The accused asked him to disconnect the call. When PW2 did not accede to his demand, the accused abused and assaulted him, and then attacked him twice with a sharp-edged object on his head, causing bleeding injuries.

3. The trial court, *vide* order dated 26.07.2013, framed a Charge for the offence punishable under Section 308 IPC against the appellant/accused to which he pleaded not guilty.

4. Upon appreciation of the evidence on record, the trial court found that the intention or knowledge requisite for an offence under Section 308 IPC had not been established. However, the prosecution had proved beyond reasonable doubt that the appellant/accused had caused grievous injury to PW2 by using a dangerous weapon, thereby attracting Section 326 IPC.



5. As per the impugned judgment dated 30.11.2015, the appellant/accused has been convicted of the offence punishable under Section 326 IPC. *Vide* order on sentence dated 16.12.2015, he has been sentenced to rigorous imprisonment for a period of three years as well as to fine of ₹60,000/-, and in default of payment of fine, to simple imprisonment for a period of six months. Aggrieved, the accused has come up in appeal.

6. When the matter came up for hearing, the accused filed CRL.M.A. 22553/2026 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the case based on a compromise arrived at. It was submitted that PW2 had voluntarily entered into a settlement with the appellant and had also filed an affidavit dated 20.07.2026 expressing his consent and no-objection to the settlement. A deed dated 20.07.2026 relating to the settlement between the parties has also been produced.

7. PW2 appeared in person before this Court and submitted that he has amicably settled the matter with the appellant/accused,



his neighbour. Their families have been living peacefully and amicably in the same locality without any issues. He further submits that he does not wish to pursue the proceedings any further and that he has no objection to the present proceedings being brought to an end based on the settlement.

8. Heard both sides and perused the materials placed on record.

9. It is well settled that the inherent power of the High Court to quash criminal proceedings 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 Cr.P.C. Inherent power is of wide plenitude with no statutory limitation, but it has to be exercised in accord with the guidelines 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 the power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled



their dispute would depend on the facts and circumstances of each case and no category can be prescribed. Such power is not to be exercised in cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., since such offences are not private in nature and have a serious impact on society. But the criminal cases having overwhelmingly and predominantly 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. The Court has to 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 wrongdoer and whether



to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the Court would be well within its jurisdiction to quash the criminal proceeding. (See **Gian Singh v. State of Punjab, (2012) 10 SCC 303; State of Madhya Pradesh v. Laxmi Narayan, (2019) 5 SCC 688; Ramgopal v. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, judgment dated 29.09.2021 of the Supreme Court of India; and Daxaben v. State of Gujarat, SLP (Criminal) Nos. 1132-1155 of 2022, judgment dated 29.07.2022 of the Supreme Court of India).**

10. This Court has interacted with PW2. He has been apprised of the consequences of the settlement. Upon being questioned by the Court, PW2 has reiterated that the dispute has been amicably resolved and that he does not wish to continue with the criminal proceedings against the appellant/accused.

11. It is true that an offence under Section 326 IPC is a non-compoundable. However, even in respect of non-compoundable



offences, the High Court can exercise powers under Section 482 Cr.P.C. to accept the compromise and quash the proceedings. The guiding factor is whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

12. In the light of the settlement arrived at between the parties, it may not be conducive to further proceed with the matter. No purpose would be served by proceeding with the matter. Hence, in the interest of justice, the conviction and sentence passed in Sessions Case No. 534/1/2013 as per the judgment dated 30.11.2015 and order on sentence dated 16.12.2015 shall stand quashed

13. The appeal is disposed of accordingly.

14. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

AUGUST 13, 2026
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