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

% ***Date of Decision: 28.10.2026***

\# **CNR No.DLHC010238362026**

\+ **W.P.(CRL) 1670/2026, CRL.M.A.16746/2026**

PANKAJ .....Petitioner

Through: Mr. Sumeet Anand, Mr.Pratyush Parimal, Advs. along with petitioner in person.

versus

STATE OF GOVT OF NCT OF DELHI & ANR .....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Criminal) along with Mr. Alok Sharma, Ms. Sonia Malhotra and Ms. Pavitra Dixit, Advs. for State.

SI Vikas Chand, PS Chanakya Puri.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (Oral.)

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") seeks quashing of FIR No.51/2026 dated 10.04.2026, registered under Section 110 of the Bharatiya Nyaya Sanhita, 2023 ("BNS") at PS Chanakyapuri, New Delhi, and all consequential proceedings emanating therefrom.

2. The factual conspectus as set out in the FIR is that on 09.04.2026 at about 07:30 PM, the respondent no.2 was turning his car left towards the Petrol/CNG Pump on Vinay Marg, New Delhi. A motorcycle came from

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behind and struck the left side of the car. The motorcyclist parked his motorcycle and came up to the respondent no.2. The concerned motorcyclist abused the respondent no.2 and struck him on the head with the helmet he was carrying, on account of which the respondent no.2 fell unconscious.

3. The FIR was registered on 10.04.2026. The petitioner was identified through CCTV footage.

4. As per the MLC, the respondent no.2 reached Venkateshwar Hospital on 09.04.2026, and the nature of the injuries sustained by him has been opined by the concerned doctor to be simple. He was discharged on 10.04.2026 itself.

5. Regular bail was granted to the petitioner thereafter on 23.04.2026 by the learned Additional Sessions Judge-02, New Delhi District, Patiala House Courts, in Bail Matter No.850/2026, on his furnishing a personal bond in the sum of Rs.30,000/- with one surety of the like amount. While doing so, the learned Additional Sessions Judge noticed that the injuries had been opined to be simple, that the weapon of offence had been recovered, that the petitioner was not a flight risk and that he had clean antecedents.

6. The present petition is supported by an Affidavit-cum-No Objection Certificate dated 28.04.2026 of the respondent no.2. The same reads as follows:

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AFFIDAVIT-CUM-NO OBJECTION CERTIFICATE

I, Ravindra Dahiya, S/o Late Sh. Gulab Singh, R/o RZ-40/8, Gali No. 5, Dada Chatri Wala Marg, Raj Nagar, 1st Palam Colony, Palam Village, South-West, Delhi–110045, aged about 55 years, do hereby solemnly affirm and declare as under:`

1. That I am the deponent herein and I am well acquainted with the facts and circumstances of the present case and competent to swear this affidavit.

2. That on 09.04.2026, at about 07:00 PM, while I was returning to my residence from my office in my car and had reached near the CNG petrol pump situated at Yashwant Palace, I slowed down my vehicle and was in the process of taking a left turn after giving due indicator signal. At that point in time, the Petitioner, namely Pankaj, who was riding a motorcycle, came into contact with my vehicle, which resulted in a minor accident, following which a brief verbal altercation took place between us. Due to the heat of the moment and sudden circumstances, the said altercation momentarily escalated into a minor scuffle.

3. That I state that there was no prior enmity, ill-will, or dispute whatsoever between me and the Petitioner before the said incident. The occurrence was purely accidental in nature and arose out of a trivial issue without any premeditation or intention on the part of either party.

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4. That I further state that I sustained only simple injuries in the said incident. I was fully conscious, oriented, and in stable condition at the time of my admission to the hospital. I went to the hospital with my friends and family for medical examination and treatment. After receiving necessary medical care and prescribed medicines, I was discharged on the same day. The injuries sustained were not grievous in nature, nor were they caused by any dangerous weapon or blunt object with any intention or knowledge of causing death.

5. That I state that the matter has now been amicably settled between me and the Petitioner out of our own free will, without any pressure, coercion, undue influence, or inducement from any quarter. Both parties have decided to maintain peace and cordial relations in the future.

6. That I further state that I do not wish to pursue the present case any further as the dispute arose out of a misunderstanding, and I have no grievance remaining against the Petitioner. I am a peace-loving citizen and do not intend to prolong the litigation unnecessarily.

7. That I hereby give my full consent and no objection to the quashing of FIR No. 51 of 2026 and all consequential proceedings arising therefrom, pending before the Hon'ble Court, in the interest of justice.

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8. That I undertake to cooperate with the Petitioner in all legal proceedings, including filing of appropriate petitions and appearing before the Hon'ble Court, if so required, for the purpose of quashing of the aforesaid FIR.

9. That this affidavit is being executed by me voluntarily, out of my own free will, and the contents herein are true and correct to my knowledge and belief. Nothing material has been concealed therefrom.

7. The respondent no.2 (Ravinder Dahiya) has joined the proceedings virtually. He reiterates that he is desirous of settling the matter with the petitioner and reiterates the contents of the said affidavit. He further affirms that the settlement has been arrived at voluntarily, of his own free will, and without any pressure, coercion, undue influence or inducement from any quarter, and that he does not wish to pursue the prosecution any further.

8. The respondent no.2 and the petitioner have been duly identified by the Investigating Officer, who is present in Court.

9. This Court is conscious that the offence under Section 110 of the BNS (which corresponds to Section 308 of the Indian Penal Code, 1860) deals with attempt to commit culpable homicide. The said offence is not compoundable. However, the power of this Court under Section 528 of the BNSS (earlier Section 482 of the CrPC) to quash criminal proceedings is distinct from the power of compounding conferred on a court, and is not limited by it.

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10. In ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, a three-Judge Bench of the Supreme Court summarized the position in paragraph 61 as follows:

> *"**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.** … 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 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. … **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.**"*

11. The principles were thereafter crystallized in ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466. In paragraph 29, the Supreme Court 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*

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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.

29.5. 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/delegate 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***

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on complete settlement between the parties. …*"*

12. The considerations which must guide the exercise of the power were summarised in ***Ramgopal v. State of Madhya Pradesh***, (2022) 14 SCC 531. The same reads as follows:

> *"19. We thus sum up and hold that as opposed to Section 320 CrPC where the Court is squarely guided by the compromise between the parties in respect of offences "compoundable" within the statutory framework,* ***the extraordinary power enjoined upon a High Court under Section 482 CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 CrPC****. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:*
> ***19.1. Nature and effect of the offence on the conscience of the society;***
> ***19.2. Seriousness of the injury, if any;***
> ***19.3 Voluntary nature of compromise between the accused and the victim; and***
> ***19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.****"*

13. This Court has repeatedly applied these principles to the very offence in question. In ***Mithilesh Kumar Sharma v. State NCT of Delhi***, order dated 10.12.2025 in W.P.(Crl) 2634/2025, a petition seeking quashing of an FIR registered under Section 110 of the BNS alone, it was observed:

> *"8. Although the offence under Section 110 BNS cannot be treated as strictly 'in personam', and it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case.* ***The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and bona fide settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the***

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prosecution may not only prove futile, but would also serve no worthwhile public interest.

9. Respondent No. 2 has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. He has also stated that the scuffle occurred on the spur of the moment and that there was no pre-existing motive on behalf of the Petitioner. Although the MLC reflects the injuries as grievous in nature, the investigation record does not reveal the use of any weapon, nor does it indicate that the act was preceded by planning, targeting, or any deliberate attempt to cause harm of a fatal nature. The suddenness of the altercation, the absence of premeditation, and the circumstances in which the injuries were inflicted collectively cast doubt on the presence of the intention or knowledge required to establish an offence under Section 110 BNS. At this stage, while this Court refrains from recording any conclusive determination on merits, these factors substantially weaken the likelihood of proving the requisite mens rea for an "attempt to commit culpable homicide". When viewed together with the complainant's unequivocal stance, the prospect of the prosecution securing a conviction becomes exceedingly remote. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily."

14. To similar effect is ***Harsh Sehrawat v. State of NCT of Delhi***, (order dated 28.01.2026 in CRL.M.C. 4361/2025) where an FIR under Sections 110/324(4)/3(5) of the BNS arising out of a quarrel following a minor traffic accident, in which the injuries were simple, was quashed on settlement by this Court. It was observed as under:

"8. In the present case, petitioner No. 1 and respondent No. 2 were known to each other. A quarrel ensued upon a relatively small traffic accident, in which the injuries sustained were simple in nature. The parties have also expressed a desire to put the past dispute behind them. There does not appear to be any overriding public interest in keeping the proceedings alive. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary

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nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily."

15. Applying the aforesaid principles and considering the facts and circumstances of the present case, this Court is of the view that continuation of the proceedings would serve no useful purpose. What weighs with the Court are the following circumstances:

i. The incident arose out of a sudden minor traffic collusion between two strangers with no pre-meditation or enmity;

ii. The injuries allegedly caused to the respondent no.2 were simple in nature and he was discharged from the hospital on the very next day;

iii. The petitioner has no criminal antecedents; and

iv. The respondent no.2 has settled the matter out of his own free will and volition, as stated on affidavit and confirmed before this Court, and is no longer inclined to support the prosecution, rendering the prospect of conviction remote and bleak.

16. Accordingly, in terms of the dicta laid down by the Supreme Court in ***Gian Singh*** (supra), ***Narinder Singh*** (supra), and ***Ramgopal*** (supra), as applied by this Court in ***Mithilesh Kumar Sharma*** (supra) and ***Harsh Sehrawat*** (supra), there is no impediment to allowing the present petition.

17. In view of the above, the present petition is allowed; FIR No.51/2026 dated 10.04.2026 under Section 110 of the Bharatiya Nyaya Sanhita, 2023 registered at PS Chanakyapuri, New Delhi and all consequential proceedings emanating therefrom, are quashed.

18. At the same time, considering that considerable resources and judicial

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time have been spent in the matter and the State machinery has been engaged, the petitioner agrees to pay costs of Rs.10,000/- to the Delhi High Court Legal Services Committee. Let the said costs be deposited by the petitioner within a period of four weeks from today and proof of such deposit of cost be filed within a period of four weeks thereafter.

19. The petition is disposed of in the above terms. The pending application also stands disposed of.

20. Order ***dasti***.

SACHIN DATTA, J

OCTOBER 28, 2026/r,sd

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