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

CNR No. DLHC010468692026

+ **CRL.M.C. 7304/2026 & CRL.M.A. 30563/2026**

MUKESH RAWAT & ORS.

.....Petitioners

Through: Ms. Mishika Singh, DHCLSC with P
Nos. 1, 2, 3 and 4 (in person) and P-5
(through VC)

versus

STATE GOVT OF NCT OF DELHI AND ANR Respondents

Through: Mr. Naresh Kumar Chahar, APP for
State with SI Aditi, PS: Shakarpur
and ASI Narendra, PS: Cyber Police
Station, East District
Mr. Deepak Kandpal and Mr. Udit
Kumra, Advocates for R-2 along with
R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **29.09.2026**

CRL.M.A. 30563/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 7304/2026

3. The present petition has been filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 ['BNSS']¹, seeking quashing of the FIR No.

¹ corresponding to Section 482 of the Code of Criminal Procedure, 1973 ['CrPC'],



317/2022 dated 16.06.2022 registered at Police Station Shakarpur, Delhi under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 ['IPC'], and all consequential proceedings emanating therefrom, on the ground that the parties have amicably resolved their disputes.

4. Issue notice. Notice is accepted by Mr. Naresh Kumar Chahar, learned Additional Public Prosecutor on behalf of the State and by Mr. Deepak Kandpal, learned counsel appearing on behalf of Respondent No. 2, on advance service.

5. Petitioner Nos. 1, 2, 3 and 4 are personally present in Court. Petitioner No. 5 has joined the proceedings through Video Conference ['VC']. The said Petitioners have been identified by the learned counsel for the Petitioners and the Investigating Officer ['I.O.'], who is present in Court.

6. Respondent No. 2 is personally present in Court and is represented by a counsel. She has been identified by the I.O.

7. Ms. Mishika Singh, learned counsel for the Petitioner, states that the marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 01.02.2016. She states that Petitioner Nos. 2 to 5 are the relatives of Petitioner No. 1 and in-laws of Respondent No. 2.

7.1. She states that two children were born out of this wedlock; the son is about 10 years old, and the daughter is 8 years old. She states that the parties have been residing separately since 03.07.2018. She states that Respondent No. 2 filed a complaint against the Petitioners, which culminated in the subject FIR.



7.2. She states that the parties have arrived at a settlement on 28.02.2025 [‘Settlement Agreement’] before the Delhi Mediation Centre, Karkardooma Courts, New Delhi and have agreed to obtain a divorce by mutual consent. She states that, in fact, a decree of divorce has been granted by the competent Court on 17.02.2026.

7.3. She submits that as per the settlement, a sum of Rs. 1,20,000/- was to be paid to Respondent No. 2 in full and final settlement of her alimony. She submits that a sum of Rs. 80,000/- has been paid through bank transfer during the divorce proceedings. She submits that the balance amount of Rs. 40,000/- has been transferred to Respondent No. 2’s bank account earlier today.

7.4. She states that the sole custody of the son has been retained by Petitioner No. 1 and the sole custody of the daughter has been retained by Respondent No. 2.

7.5. She states that the parties have arrived at an arrangement recorded at clause 10(xiii) of the Settlement Agreement, wherein the parties have agreed that Petitioner No. 1 and Respondent No. 2 will facilitate the meeting of the son and the daughter on the second Sunday of every month.

8. Learned APP submits that State has no objection to this petition. He submits that the charge-sheet has been filed and summons have been issued for a hearing in December, 2026.

9. This Court has interacted with Respondent No. 2. She confirms the submissions made by the learned counsel for the Petitioners, and she also



confirms that she has executed an affidavit dated 22.09.2026, which is at page no. 30 of this petition, recording her no objection to the quashing of the subject FIR. She confirms receipt of the amounts referred to above.

10. This Court has heard the learned counsel for the parties and perused the record.

11. Upon the suggestion of this Court, Petitioner No. 1 and Respondent No. 2 have agreed that in addition to the one [1] visit on every second Sunday of the month as stipulated in clause 10(xiii) of the Settlement Agreement, Petitioner No. 1 and Respondent No. 2 will also enable the children to meet on every fourth Sunday of the month, in accordance with the said clause 10(xiii).

Simply put, Petitioner No. 1 and Respondent No. 2 will ensure that the minor children meet each other at least twice a month.

12. Pursuant to discussions in Court today, it has been agreed between the parties that Respondent No. 2, along with her daughter, and Petitioner No. 1, along with his son, will be present at Ansal Plaza, Andrews Ganj, New Delhi before 10:00 A.M. on every second Sunday and fourth Sunday so as to enable the visitation. The said agreement is recorded in this order, and the parties are bound down to the same.

13. Petitioner No. 1 and Respondent No. 2 will ensure that during the said visits on the Sundays specified, the atmosphere during the meeting of the children will remain cordial and the parents will not create any discomfort for the children.



14. Although the offences under Section 498A of the IPC are non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant. Where the dispute is predominantly private in nature and does not involve any overriding societal or public interest, quashing the proceedings would serve the ends of justice and prevent the abuse of the process of law. In this regard, this Court finds it apposite to refer to the judgment of the Supreme Court in **Gian Singh v. State of Punjab**² wherein it was held as under: -

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of **matrimony**, particularly relating to dowry, etc. or the family

² (2012) 10 SCC 303



dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

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 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.”

[emphasis supplied]

15. In **Narinder Singh v. State of Punjab**³, the Supreme Court has further laid down guidelines that are to be followed by the High Court while accepting settlement deeds between parties and quashing of the criminal proceedings. The guidelines laid down read 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 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.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like

³ (2014) 6 SCC 466



murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

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.”

[emphasis supplied]

16. This is a case of criminal proceedings arising out of a matrimonial dispute between the parties, wherein the marriage has been dissolved by way of decree obtained through mutual consent. The parties have to continue a cordial relationship to facilitate interaction between their children. Pendency of criminal proceedings is bound to create friction and adversely affect the children. Therefore, this Court is of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

17. Keeping in view the nature of the dispute, the fact that the parties have amicably settled the dispute without any coercion or undue influence, and the remote and bleak chances of conviction of the Petitioners, this Court is of the view that continuation of the proceedings arising out of the present FIR would serve no useful purpose and would amount to an abuse of the process of the Court, besides imposing an unnecessary burden on the State exchequer.



18. Consequently, the FIR No. 317/2022 dated 16.06.2022 registered at Police Station Shakarpur, Delhi under Sections 498A, 406, and 34 of the IPC, chargesheet and all the consequential proceedings arising therefrom are hereby quashed.

19. Parties shall remain bound and abide by the terms of settlement. It is, however, made clear that the Settlement Agreement and this order will not affect the legal rights of the minor children *qua* their parents, in any manner.

20. Accordingly, the petition along with pending application[s], if any, is disposed of.

21. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 29, 2026/rhc/aa