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

+ CRL.M.C. 8535/2025

RAKESH JAIN & ANR. Petitioner
Through: Mr. Pradeep Murria and Mr. Rohit
Shandilya, Advocates.

versus

STATE (NCT OF DELHI) & ANR. Respondent
Through: Mr. Hitesh Vali, APP.
ASI Satish Kumar.
Mr. Manish Gupta, Advocate for
R-2.

+ CRL.M.C. 8576/2025

AJAY AGARWAL Petitioner
Through: Mr. Pradeep Murria and Mr. Rohit
Shandilya, Advocates.

versus

STATE (NCT OF DELHI) & ANR. Respondent
Through: Mr. Hitesh Vali, APP.
ASI Satish Kumar.
Mr. Manish Gupta, Advocate for
R-2.

+ CRL.M.C. 8895/2025, CRL.M.A. 37103/2025 & CRL.M.A.
37104/2025

VIKAS JAIN & ORS. Petitioner
Through: Mr. Manish Gupta, Advocate.

versus

STATE OF NCT DELHI & ANR. Respondent



Through: Mr. Hitesh Vali, APP
ASI Anil Kumar.
Mr. Pradeep Murria and Mr. Rohit
Shandilya, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
06.07.2026

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1. These petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), seeking quashing of FIR No. 178/2019 dated 19.03.2019, for offences punishable under Sections 498-A/406/34 of the Indian Penal Code, 1860 ["IPC"] [subject matter of CRL.M.C. 8535/2025]; FIR No. 377/2018 dated 16.07.2018, for offences punishable under Sections 323/354 of the IPC [subject matter of CRL.M.C. 8576/2025]; and FIR No. 408/2018 dated 30.07.2018, for offences punishable under Sections 323/341/354/506/34 of the IPC [subject matter of CRL.M.C. 8895/2025], all registered at Police Station Dabri, Dwarka, Delhi, alongwith all consequential proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Manish Gupta, learned counsel, accepts notice on behalf of respondent No. 2 in CRL.M.C. 8535/2025 and CRL.M.C. 8576/2025, while Mr. Pradeep Murria, learned counsel, accepts notice on behalf of respondent Nos. 2 and 3 in CRL.M.C. 8895/2025.



3. The parties are present before the Court and have been duly identified by their respective learned counsel as well as by the Investigating Officer.
4. The petitions are taken up for disposal with the consent of learned counsel for the parties.
5. Petitioner No. 1 and respondent No. 2 in CRL.M.C. 8535/2025 were married on 09.05.1998. Two children were born out of the wedlock on 08.09.1999 and 22.12.2001, both of whom have now attained the age of majority. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 16.07.2018.
6. The present petitions arise out of a matrimonial dispute and relate to three interconnected FIRs involving the same family members in different capacities. FIR No. 178/2019 [subject matter of CRL.M.C. 8535/2025] was lodged by respondent No. 2 against petitioner No. 1, while petitioner No. 2 is his mother. The same respondent No. 2 is also the complainant in FIR No. 377/2018 [subject matter of CRL.M.C. 8576/2025], wherein the petitioner is her brother-in-law. FIR No. 408/2018 [subject matter of CRL.M.C. 8895/2025] was, in turn, lodged by petitioner Nos. 1 and 2 in CRL.M.C. 8535/2025 against the two brothers of respondent No. 2 in CRL.M.C. 8535/2025, her cousin and her maternal uncle. Thus, while respondent No. 2 is the complainant in FIR Nos. 178/2019 and 377/2018, the complainant in FIR No. 408/2018 is one of the accused in FIR No. 178/2019, demonstrating that all three FIRs arise from the same family dispute and involve overlapping parties.
7. During the pendency of the proceedings, the parties amicably resolved all their disputes under the aegis of the Counselling Cell, Family



Courts, Delhi, by way of a settlement dated 03.08.2024, encompassing all three aforesaid FIRs. In terms of the settlement, the parties agreed to dissolve their marriage by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955 [“HMA”]. It was further agreed that petitioner No. 1 in CRL.M.C. 8535/2025 would pay a total sum of Rs. 12,00,000/- to respondent No. 2 in CRL.M.C. 8535/2025 towards full and final settlement of all claims arising out of the marriage, including *stridhan*, dowry articles, maintenance (past, present and future) and permanent alimony, in three equal instalments of Rs. 4,00,000/- each, payable at the stages of the first motion of HMA, second motion of HMA and quashing of the aforesaid FIRs. In addition, petitioner No. 1 agreed to pay a sum of Rs. 1,00,000/- towards litigation expenses, and the parties undertook to cooperate with each other in the quashing of FIR No. 178/2019, FIR No. 377/2018 and FIR No. 408/2018 before this Court.

8. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

9. The respective complainants/respondent No.2 in CRL.M.C. 8576/2025 and CRL.M.C. 8895/2025 submit that the allegations under Section 354 IPC in FIR No. 377/2018 and FIR No. 408/2018, respectively, arose out of misunderstandings in the wake of the matrimonial dispute between the parties. They state that the disputes have since been amicably resolved, that they no longer wish to pursue the allegations contained in the aforesaid FIRs, and that they have no surviving grievance against the respective petitioners. The said statements have been made voluntarily and are affirmed by the respective respondents, and their counsel, present before the Court.



10. In furtherance of the settlement, the marriage between petitioner No. 1 and respondent No. 2 in CRL.M.C. 8535/2025 has been dissolved by a decree of divorce by mutual consent, *vide* order dated 20.05.2025 passed by the learned Family Court.

11. In light of the aforesaid, parties seek quashing of the impugned FIR.

12. Although the offences in question are non-compoundable, it is well settled that the High Court, in exercise of its inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), may quash criminal proceedings on the basis of a settlement between the parties, even in respect of non-compoundable offences, where the facts and circumstances so warrant and no overriding public interest is adversely affected.

13. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has held as follows:

“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

¹ (2012) 10 SCC 303.



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 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.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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.”⁴

14. In the facts and circumstances of the present case, this Court is satisfied that the dispute is essentially private in nature, having arisen out of matrimonial discord and the consequent misunderstandings between the parties and their respective family members. The settlement has been voluntarily arrived at, has been substantially acted upon, and has culminated in the dissolution of the marriage by a decree of divorce by mutual consent. The respective complainants/respondent No.2 in CRL.M.C. 8576/2025 and CRL.M.C. 8895/2025 have unequivocally

⁴ Emphasis supplied.



affirmed before this Court that the allegations under Section 354 IPC in the respective FIRs arose out of misunderstandings in the backdrop of the matrimonial dispute, that they no longer wish to pursue the proceedings, and that they harbour no surviving grievance against the respective petitioners.

15. In view of the aforesaid, the possibility of securing a conviction is remote and bleak. Consequently, permitting the criminal proceedings to continue would serve no useful purpose and would amount to an abuse of the process of the Court, while unnecessarily consuming valuable judicial time and resources without advancing any overriding public interest.

16. In terms of the settlement, petitioner No. 1 in CRL.M.C. 8535/2025 agreed to pay a total sum of Rs. 13,00,000/- to respondent No. 2 therein, towards full and final settlement of all her claims, alongwith the litigation expenses. Out of the said amount, a sum of Rs. 9,00,000/- has already been paid and acknowledged by respondent No. 2. The balance amount of Rs. 4,00,000/- has been handed over to her in Court today, which she acknowledges having received. Accordingly, the settlement stands fully satisfied, and no impediment survives to the grant of the relief sought in the present petitions.

17. In view of the foregoing discussion, the present petitions are allowed. Accordingly, FIR No. 178/2019 dated 19.03.2019, registered for offences punishable under Sections 498-A/406/34 of the IPC [subject matter of CRL.M.C. 8535/2025]; FIR No. 377/2018 dated 16.07.2018, registered for offences punishable under Sections 323/354 of the IPC [subject matter of CRL.M.C. 8576/2025]; and FIR No. 408/2018 dated 30.07.2018, registered for offences punishable under Sections



323/341/354/506/34 of the IPC [subject matter of CRL.M.C. 8895/2025], all registered at Police Station Dabri, Dwarka, Delhi, alongwith all consequential proceedings emanating therefrom, are hereby quashed.

18. The parties shall remain bound by the terms of the settlement.

19. The petitions, alongwith any pending applications, accordingly stand disposed of.

PRATEEK JALAN, J

JULY 6, 2026

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