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

+ **CRL.M.C. 622/2025**

SAI MOHAN PAHWA

.....Petitioner

Through: Mr. Prabhjit Jauhar and
Ms. Rosemary Raju, Advocates with
Petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rakesh Sinha, Mr. Ghulam
Akbar, Mr. Jeemon Raju, Ms. Shruti
Shashi, Ms. Suman Lata and Ms.
Nandini Sharma, Advocates for R-2
with R-2 in person.
Mr. Digam Singh Dagar, APP for
State with Mr. KM Banti, SI, PS-
Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.04.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 408/2017 registered under Section 498A of the Indian Penal Code, 1860³ at P.S. Vasant Vihar and all other proceedings emanating therefrom. Subsequently, a chargesheet has been filed under the aforesaid provisions.

¹ 'BNSS'.

² 'Cr.P.C.'.

³ 'IPC'.

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2. This request is made in light of the amicable settlement reached between the parties, as evidenced by the Settlement Agreement executed on 6th December, 2024, between Petitioner No. 1 and Respondent No.2/ Complainant. A copy of the aforementioned Settlement Agreement has been duly placed on record.

3. The marriage between Petitioner and Respondent No. 2 was solemnized on 20st April, 1996, in Delhi, as per Hindu rites and ceremonies. A son, Master Arjunveer Pahwa, and a daughter, Ms. Saisha Pahwa, were adopted during the subsistence of said marriage. However, the parties eventually separated on account of temperamental differences. The marriage has now been dissolved through decree of divorce by mutual consent dated 23rd December, 2024 issued by the Family Court, Patiala House Courts, Delhi.

4. In terms of the Agreement for Settlement, the Petitioner agreed to pay a total settlement amount of ₹3,50,00,000/- to Respondent No. 2 in full and final settlement of all her claims towards permanent or interim maintenance, permanent and interim alimony, streedhan, gifts, etc. Of the said amount, a sum of ₹25,00,000/- has been paid to Respondent No. 2, via Demand Draft, at the time of recording of the statement of the parties in the first motion petition for divorce by mutual consent before the Family Court. A further sum of ₹1,62,50,000/- has been paid to Respondent No. 2, via Demand Draft, at the time of recording of the statement of the parties in the second motion petition for divorce by mutual consent before the Family Court. The balance amount of ₹1,62,50,000/- which was to be paid to Respondent No. 2 at the time of quashing of the subject FIR, has been handed over to her *via* DD No. 239771 dated 20th January, 2025, for the sum of ₹1,62,50,000/-

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drawn on Standard Chartered Bank in favour of Respondent No. 2. A copy thereof has been also placed on record.

5. The parties are present in Court and have been duly identified by the IO as well as the counsel. Respondent No. 2 states that she has no objections to the quashing of the FIR.

6. Pertinently, on 27th February, 2025, the Joint Registrar of this Court took note of the settlement between the parties and recorded his satisfaction that the settlement had been arrived at with the genuine consent of the parties, free from any force, coercion, undue influence and pressure.

7. The Court has considered the aforementioned facts. Notably, offences under Section 498A of IPC are non-compoundable.

8. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of Cr.P.C.), can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁴ the Supreme Court 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

⁴ (2014) 6 SCC 466

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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 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]

9. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁵ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

⁵ (2017) 9 SCC 641

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16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if

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in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

10. In view of the law discussed above as well as the settlement between the parties, the Court is of the considered opinion that the present case is fit to exercise jurisdiction under Section 582 of BNSS. Keeping the dispute alive would serve no purpose, and the continuation of the proceedings would amount to an abuse of the process of Court.

11. Accordingly, the petition is allowed, and FIR No. 408/2017 registered under Section 498A of the IPC at P.S. Vasant Vihar and the proceedings emanating therefrom are quashed.

12. The parties shall abide by the terms of settlement.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

APRIL 28, 2025/nk

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