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

+ **W.P.(CRL) 430/2025 & CRL.M.A. 3910/2025**

SH NADEEM SHAHNAWAZ AND ORSPetitioners

Through: Mr. Zakir Raza, Mr. Asim Nain, Mr.
Uuaisullah Ansari, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Neha, P.S. Jafrabad
Mr. Nafees Ahmed, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.05.2025**

1. The present petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of Criminal Procedure Code, 1973²) seeks quashing of FIR No. 390/2024, registered under Sections 498A, 406, 377, 506 and 34 of the Indian Penal Code, 1860³ and Section 4 of Dowry Prohibition Act, 1961, at P.S. Jafrabad, North East District, Delhi, as well as all consequential proceedings emanating therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioner Nos. 2 to 5 are the family members of Petitioner No. 1. The marriage between

¹ "BNSS"

² "CrPC"

³ "IPC"



Petitioner No. 1 and Respondent No. 2 was solemnised on 23rd October, 2022, according to Muslim rites and customs at Delhi. There is no child from this marriage. Due to matrimonial discord and temperamental differences, the relationship between the parties deteriorated and they started living separately.

3. Subsequently, Respondent No. 2 made a complaint to the CAW against the Petitioners, alleging that she was subjected to dowry harassment and cruelty by them, which ultimately culminated into the impugned FIR. Pertinently, in her complaint, Respondent No. 2 also levied allegations against Petitioner No. 1 under Section 377 of the IPC.

4. The present petition is filed on the ground that the matter has been amicably settled between the parties on their own free will, without any coercion, pressure or undue influence. In this regard, they Petitioner No. 1 and Respondent No. 2 have also executed a Memorandum of Understanding⁴ dated 13th December, 2024. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings initiated by her against the Petitioners, pending before various Courts. Pursuant to the settlement, the parties have agreed to part ways and mutually dissolve their marriage by way of Divorce as per Shariat Law.

5. On 14th January, 2025, Petitioner No. 1 and Respondent No. 2, got divorced by mutual consent, by way of three pronouncements of Talaq issued by Petitioner No. 1 – on 08th November, 2024, 10th December, 2024 and 14th January, 2025.

6. In terms of the MoU executed between the parties, Petitioner No. 1 had agreed to pay a total sum of INR 10,00,000/- to Respondent No. 2. Of



the said amount, a sum of INR 5,00,000/- has been paid to Respondent No. 2 at the time of withdrawal of the petitions filed by Respondent No. 2 under Section 125 of Cr.P.C as well as Section 12 of Protection of Women from Domestic Violence Act, 2005, before the Trial Court. The balance amount of INR 5,00,000/- was agreed to be paid to Respondent No. 2 at the time of quashing of the impugned FIR. In this regard, the Petitioners have placed on record a copy of the demand draft bearing DD No. 253983 dated 07th January, 2025, for the sum of INR 5,00,000/- drawn on State Bank of India.

7. On 07th February 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar of this Court, wherein she verified that the matter has been amicably settled between the parties and she confirmed receiving the aforementioned demand draft for the sum of INR 5,00,000/- and gave her no objection to the quashing of the FIR.

8. Considering the fact that the allegations in the FIR also disclose an offence under Section 377 IPC against Petitioner No. 1, this Court specifically called upon Respondent No. 2 to explain the circumstances as to why she has been inclined to quashing of the FIR. In response, she now unequivocally states that the said allegations were made due to a misunderstanding, and misconceptions. To this effect, an affidavit has been filed wherein she has stated as follows:

“6. That on the date of hearing i.e. 09/04/2025 before this Hon'ble Court, both the parties were present to make their statements before this Hon'ble Court and during the Court query from the respondent no 2, the respondent no 2 got emotional as she recalled her previous happenings happened between them. Resulting out of these relations broken down her matrimonial house. Due to the said emotional situation I made statement against the petitioners and however, later on I realized that I ought to control my emotions, anger and should take

⁴ “MoU”



part away in terms of my MOU executed between the parties. The deponent still bound with the terms of MOU and ready to follow the same and the deponent also relied upon the statement recorded before the Joint Registrar High Court of Delhi on dated 07/02/2025. Now the deponent wanted to lead her life as per her choice and further does not have any grievances against the petitioners and the respondent no 2 is a Pardanashi lady and quite unable to prosecute the matter before the trial Court which will take long time and the deponent does not want to pursue the matter at all.

7. That the deponent also stated that the present FIR was registered against the petitioners on a misunderstanding and misconception and now she has no objection if the FIR is quashed. The matrimonial relations has been brought to an end by mutual consent and now the parties are eager to move on with their respective lives seeking closure of any past relations. The deponent further stated that the continuation of criminal proceedings of the FIR shall be exercise of futility and adds more misery.

8. That the deponent is also filing the present affidavit affirming the fact that her claims and grievances against the petitioners in the said FIR stands settled. The deponent does not have any objection in the FIR against the petitioners is quashed as she has already settled her claims due to her. The deponent and petitioner no 1 have decided to part ways and get ahead in their lives without having any acrimony against each other and also does not want to interfere in the lives in future.

9. That the deponent states that she has settled all her matrimonial disputes with the petitioners out of her own free will without pressure, coercion or undue influence and states that the deponent does not want to pursue with the present FIR any further and request that the present FIR and proceedings emanating therefrom may be quashed.

10. That the deponent does not want to pursue the present FIR at any more and the continuation of the prosecution of the case will only be a waste of judicial time and resources and all the statement made in this affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom. No purpose would be served further to continue the criminal proceedings in present case against the petitioners before the trial Court because I have pardoned all the petitioners regarding the said FIR and the petitioners also regretted all the miss happenings happened whatsoever with the respondent no 2 prior to the lodging of the FIR.”

[Emphasis supplied]

9. By way of the aforesaid affidavit, Respondent No. 2 has also confirmed the receipt of INR 10,00,000/- from Petitioner No. 1 towards full



and final settlement of all past, present and future claims including istridhan, mehar, iddat, maintenance and as such, she gives her consent for quashing of the present FIR before this Court

10. In light of the foregoing, counsel for the parties jointly pray for the quashing of the impugned FIR. Respondent No. 2, who is present before this Court and identified by the Investigating Officer, confirms her statement made to the Court and reiterates her no objection to the quashing of the impugned FIR.

11. The Court has considered the afore-noted facts. Notably, offence under Section 498A and 377 of IPC as well as Section 4 of the Dowry Prohibition Act are non-compoundable, while offences under Section 406 is compoundable by the owner of the property in respect of which the breach of trust was committed and, with the permission of the Court, and 506 of IPC is compoundable by the person intimidated.

12. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (corresponding to Section 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.**,⁵ 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

⁵ (2014) 6 SCC 466



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 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]

13. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat***



& Anr.,⁶ 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.

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

⁶ (2017) 9 SCC 641



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 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]

14. At this juncture, it is imperative to underscore that this Court notes with grave concern the invocation of Sections 377 of the IPC by the Complainant – Respondent No. 2, to level serious and heinous allegations against her husband, however, when specifically queried by the Court, she stated that the same was under some misunderstandings and misconceptions. The misuse of stringent penal provisions to implicate the husband in serious criminal offences in the course of matrimonial disputes is a disturbing trend, which this Court unequivocally condemns. However, taking into account that the parties have now amicably resolved their disputes and have expressed their intent to move forward in life, this Court is of the view that



no useful purpose would be served by directing the State to initiate legal proceedings against the Complainant.

15. Therefore, this Court is of the opinion that the present case is fit to exercise jurisdiction under Section 582 of BNSS, as no purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

16. In view of the above, the impugned FIR No. 390/2024, registered under Sections 498A, 406, 377, 506 and 34 of the IPC and Section 4 of Dowry Prohibition Act, at P.S. Jafrabad, North East District, Delhi, as well as all consequential proceedings emanating therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

MAY 26, 2025/ab