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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1941/2025 & CRL.M.A. 8734/2025**  
**VIVEK AND ORS** .....Petitioners

Through: Mr. Rohit Sharma and Mr. Linoy  
Varghese, Advocates.

versus

**STATE NCT OF DELHI AND ANR** .....Respondents  
Through: Mr. Mukesh Kumar, APP for State.  
SI Sneha Bhakat, P.S. Mayapuri.  
Respondent No. 2 (in-Person).

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**30.04.2025**

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (erstwhile Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 84/ 2024 registered under Sections 498A/406/34 of the Indian Penal Code, 1860,<sup>3</sup> at P.S. Mayapuri as well as all consequential proceedings emanating therefrom. This request is made in light of the amicable settlement reached between the parties, as evidenced by the Settlement Agreement executed on 23<sup>rd</sup> November, 2024, between Petitioner No. 1 and Respondent No.2 before Delhi Mediation Centre, Tis Hazari Courts, Delhi. A copy of the afore-mentioned Settlement Agreement has been duly placed on record.

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<sup>1</sup> "BNSS"

<sup>2</sup> "Cr.P.C."

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2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 27<sup>th</sup> February, 2023, however, the parties are separated since 26<sup>th</sup> June, 2023 on account of temperamental differences. The marriage has now been dissolved through decree of divorce by mutual consent by the order dated 3<sup>rd</sup> March, 2025 in HMA No. 273/ 2025 passed by the Family Court, South East, Saket Courts, Delhi.

3. Respondent No. 2 is present in person and duly identified by the IO. She states that she has no objections to the quashing of the FIR. An affidavit-cum-No Objection Certificate to this effect has also been placed on record.

4. The statement of Respondent No. 2 was recorded before the Joint Registrar, on 21<sup>st</sup> March 2025, whereby she confirmed the receipt of the entire settlement amount. On 7<sup>th</sup> April, 2025, Respondent No. 2 appeared before the Joint Registrar's Court through video conferencing, and submitted that the DD had been duly realised, and that she had no objections to the quashing of the impugned FIR.

5. Notably, the offence under Section 498A of IPC is non-compoundable whereas offence under Section 406 is compoundable in certain cases, with the permission of the Court.

6. At this juncture, it is imperative to emphasise the Court's power under Section 482 of the CrPC to quash criminal proceedings pursuant to a settlement between the parties. In this regard, the Supreme Court in **Narinder Singh & Ors. v. State of Punjab & Anr.**,<sup>4</sup> has laid down certain guidelines and parameters for the High Courts while accepting settlement

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<sup>3</sup> "IPC"

<sup>4</sup> (2014) 6 SCC 466.

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and quashing the proceedings:

*“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 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. 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]

7. In view of the law discussed above as well as the settlement between

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the parties, the Court is of the considered opinion that this matter deserves to be given a quietus, as the continuation of the present proceedings would serve no fruitful purpose, but rather only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer.

8. Accordingly, the petition is allowed, and FIR No. 0084/ 2024 registered under Sections 498A/406/34 of the IPC at P.S. Mayapuri and the proceedings emanating therefrom are hereby quashed.

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

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

**SANJEEV NARULA, J**

**APRIL 30, 2025**

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