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

+ **CRL.M.C. 2294/2025 & CRL.M.A. 10364/2025**

POOJA VERMA

.....Petitioner

Through: Mr. Sudeep Singh, Mr. Vaibhav Mehal, Mr. Rishab Bhardwaj, Advocates along with Petitioner in person

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. D.S. Dagar, APP for State with SI Anil Kumar, PS Vijay Vihar
Mr. Mahinder, Mr. Vipin, Advocates for Respondent No. 2 along with Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.04.2025

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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. 21/2022 registered under Sections 498A, 406 and 34 of the Indian Penal Code, 1860³ at P.S. Vijay Vihar and all other proceedings emanating therefrom.

2. The Petitioner (the Complainant) is the wife of Respondent No. 2 and the daughter-in-law of Respondent No. 3. The marriage between Petitioner

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



and Respondent No. 2 was solemnized on 21st April, 2018, in Delhi, as per Hindu rites and ceremonies. A male child, named Kabir, was born from the said marriage. However, due to matrimonial discord, the relationship between the parties deteriorated.

3. Subsequently, the Petitioner made a complaint against Respondent No. 2 and his family, alleging that cruelty meted out by them upon her. This complainant later culminated into the subject FIR.

4. Through the present petition, the Petitioner (Complainant) seeks quashing of the subject FIR on the ground that the matter has been amicably settled between the parties out of their own free will, without any coercion, pressure, or undue influence. In this regard, the Petitioner has placed on record an affidavit dated 19th March, 2025, confirming the settlement between the parties. In the said affidavit, the Petitioner has categorically stated that she has decided to resume her matrimonial relationship and cohabitation, immediately after quashing of the FIR.

5. During the course of the present proceedings, the statement of the Petitioner was recorded before the Joint Registrar of this Court on 4th April, 2025, wherein she confirmed her voluntary settlement of all disputes and stated that the same has been done without any pressure or coercion from anyone. She also confirmed her decision to resume her matrimonial relationship with Respondent No. 2 and start cohabiting with him immediately after the quashing of the subject FIR.

6. In light of the foregoing, the parties jointly pray for the quashing of the impugned FIR. The Petitioner, who is present before this Court and is identified by her counsel, confirms her statement and raises no objection to the quashing of the subject FIR. Respondent No. 2, who is also present in



person and is identified by the Investigating Officer, requests that the subject FIR be quashed in light of the settlement arrived at between the parties.

7. The Court has considered the aforementioned facts. Notably, offences under Section 498A of IPC are non-compoundable while offences under Section 406 of IPC are compoundable, with the permission of the Court, by the owner of property in respect of which breach of trust has been committed.

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 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

⁴ (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.”

[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.

16.2. The invocation of the jurisdiction of the High Court to quash a

⁵ (2017) 9 SCC 641



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 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. Considering the nature of the dispute and the fact that the parties have amicably settled their issues and decided to resume their matrimonial relationship and cohabit, this Court is of the 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. In view of the foregoing, the present petition is allowed and the FIR No. 21/2022 under Sections 498A, 406 and 34 of the IPC, registered at P.S. Vijay Vihar, Delhi, as well as all consequential proceedings arising therefrom, are hereby quashed.

12. The present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

APRIL 23, 2025/ab