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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2608/2025 & CRL.M.A. 11703/2025**
SUNIL AHUJA AND ORSPetitioners

Through: Mr. Jaikush Hoon and Ms. Archana
Hoon, Advocates.

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Mukesh Kumar, APP for State.
Mr. Anuj Aggarwal, Ms. Manika
Vohra Aggarwal, Mr. Vikrant Chawla
and Mr. Mayank Chauhan, Advocates
for R-2 with R-2 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
28.05.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²), seeks quashing of seeks quashing of FIR No. 18/2020 dated 20th February, 2020, registered under Sections 498A/406/323/377, 354/354C/34 of the Indian Penal Code, 1860³, at P.S. Roop Nagar and all other proceedings emanating therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioners No. 2 and 3 are the in-laws of Respondent No. 2. Petitioner No. 3, the father-in-law of Respondent No. 2, deceased on 26th April, 2021, and a copy of his

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



death certificate has been annexed as Annexure P-2 to the petition. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 3rd November, 2014 as per Hindu rites and ceremonies. One child was born from the said marriage. However, due to matrimonial discord, the relationship between the parties deteriorated. Several efforts for reconciliation were made but to no avail.

3. Subsequently, Respondent No. 2 made a complaint against Petitioners, alleging that she was subjected to cruelty by them, which later culminated into the impugned FIR.

4. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence and a Memorandum of Settlement executed on 6th June, 2024 has been executed by Petitioner No. 1 and Respondent No. 2. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings pending before various Courts. Further, as per the settlement, the custody of the minor child shall rest with Petitioner No. 1, who will be the sole guardian of the child, while Respondent No. 2 will have visitation rights, as delineated in the agreement. Pursuant to the settlement, Petitioner No. 1 and Respondent No.2 have obtained a decree of divorce by mutual consent through order dated 14th January, 2025 passed by the Family Courts, Central, Tis Hazari Courts, Delhi.

5. On 22nd May, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar, wherein she affirmed that the disputes between the parties had been amicably resolved, and expressed her willingness to quash the FIR.

6. In light of the foregoing, counsel for the parties jointly prayed for the



quashing of the impugned FIR. Respondent No. 2, who is present before this Court, confirms her statement made to the Court and gives no objection to the quashing of the impugned FIR. An affidavit to this effect is also on record.

7. Considering the fact that the allegations in the FIR also disclose an offence under Section 377 IPC against Petitioner No. 1, and offences under Sections 354 and 354C IPC against Petitioner No. 3, this Court specifically queried Respondent No. 2 regarding her stand on the matter. In response, she submitted that the said allegations were made due to a misunderstanding, arising from the legal advice she had received at the relevant time. She now unequivocally states that the aforesaid allegations are incorrect, and were made solely on the basis of the said legal advice.

8. The Court has considered the afore-noted facts. Notably, the offences under Sections 498A/377/354/354C of the IPC are non-compoundable, while the offence under Section 323 is compoundable by the person to whom hurt is caused, and Section 406 by the owner of the property is respect of which the breach of trust was committed and, with the permission of the Court.

9. 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 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

⁴ (2014) 6 SCC 466



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]

10. 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 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

⁵ (2017) 9 SCC 641



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]

11. At this juncture, it is imperative to underscore that this Court notes with grave concern the invocation of Sections 377, 354 and 354C of the IPC by the Complainant to level serious and heinous allegations against her husband and his family members. The misuse of stringent penal provisions to implicate the husband and his relatives in serious criminal offences in the course of matrimonial disputes is a disturbing trend, which this Court unequivocally condemns. The said approach undermines the sanctity of the criminal justice system and dilutes the gravity of genuinely prosecutable



offences. 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.

12. Accordingly, considering that the parties have amicably entered into a settlement, this Court is inclined to exercise jurisdiction under Section 582 of BNSS to allow the petition, as keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

13. In view of the above, the impugned FIR No. FIR No. 18/2020 and all consequential proceedings arising therefrom are hereby quashed.

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

SANJEEV NARULA, J

MAY 28, 2025

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