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

+ **CRL.M.C. 3266/2025 & CRL.M.A. 14385/2025**

SHIV SHAKTI AND ORS

.....Petitioners

Through: Mr. Naveen Dalal, Advocates with
petitioners.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
IO SI Anil Kumar, PS Vijay Vihar.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.05.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of Criminal Procedure Code, 1973²) seeks quashing of FIR No. 334/2020 dated 10th September, 2020 registered at P.S. Kanjhawala for offences under Sections 498A/406/34 of the Indian Penal Code, 1860,³ 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 in-laws of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 8th December, 2017, as per

¹ "BNSS"

² "CrPC"

³ "IPC"

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Hindu rites and customs. No child was born from this 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 before the Delhi Mediation Centre, Rohini District Courts, Delhi and a Settlement Deed dated 26th September, 2023, 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. Pursuant to the settlement, Petitioner No. 1 and Respondent No. 2 have obtained a decree of divorce by mutual consent through order dated 17th August, 2024, passed by the Court of Principal Judge, Family Courts, North West, Rohini, Delhi.

5. Respondent No. 2 is present in Court, duly identified by the IO as well as the counsel. 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.

6. Before the Joint Registrar, on 8th May, 2025, the statement of Respondent No. 2 was recorded, wherein she affirmed receipt of the entire settlement amount and that she had no objections to the quashing of the impugned FIR.

7. At this juncture, it is imperative to emphasise the Court's power under Section 528 of BNSS to quash criminal proceedings pursuant to a settlement

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between the parties. In this regard, the Supreme Court in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁴ has laid down certain guidelines and parameters for the High Courts while accepting settlement 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.

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

⁴ (2014) 6 SCC 466.

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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]

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

9. Accordingly, the petition is allowed and FIR No. 334/2020 dated 10th September, 2020 registered at P.S. Kanjhawala for offences under Sections 498A/406/34 of IPC as well as all consequential proceedings emanating therefrom are quashed.

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

11. Present petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MAY 21, 2025/akc

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