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

+ CRL.M.C. 4260/2025 & CRL.M.A. 18591/2025

DEVESH KUMAR KUSHWAHA & ORS.Petitioners

Through: Mr. Vineet Singh, Ms. Indira Bhalkar,
Mr. Utkarsh Pandey, Mr. Supriya,
Advocates

versus

STATE GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.09.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 454/2022 dated 25th September, 2022, registered under Sections 498A, 406 and 506 of the Indian Penal Code, 1860³ at P.S. Kishan Garh, 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. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 26th February, 2019 as per Hindu rites and ceremonies. From this marriage, the parties have one child.

¹ "BNSS"

² "CrPC"

³ "IPC"



Due to matrimonial discord and temperamental differences, the relationship between the parties deteriorated and they started living separately.

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

4. The present petition is filed on the ground that the parties have amicably resolved all their disputes of their own free will, without coercion, pressure, or undue influence. A settlement was arrived at before the Delhi Mediation Centre, Patiala House Court, New Delhi on 18th January, 2025, whereby the Petitioners agreed to pay a total sum of INR 10,00,000/- to Respondent No. 2 towards full and final settlement of all her claims. As per its terms, Respondent No. 2 also undertook to withdraw all proceedings pending before various Courts. Pursuant thereto, the marriage between Petitioner No. 1 and Respondent No. 2 has been dissolved by a decree of divorce by mutual consent *vide* order dated 8th August, 2025, passed by the Principal Judge, Family Courts, Patiala House Court, New Delhi.

5. On 03rd July, 2025, this Court passed the following order:

“1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR No. 454/2022 dated 25th September, 2022, registered under Sections 498A, 406 and 506 of the Indian Penal Code, 1860, at P.S. Kishangarh and all proceedings emanating therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioner Nos. 2 and 3 are the in-laws of Respondent No. 2. All the parties are present before the Court and have been duly identified by the IO as well as their counsel.

3. On 18th January, 2025, the parties arrived at a settlement before the Delhi Mediation Centre, Patiala House Court, New Delhi and wherein the Petitioners inter alia had agreed to pay a sum of INR 10,00,000/- to Respondent No. 2 towards full and final settlement of all her claims. Consequent thereto, an amount of INR 3,00,000/- was paid at the time



of recording of the joint statement before the Court of Principle Judge, Family Courts, Patiala House Court, New Delhi in the proceedings of the first motion in HMA No. 243/2025. Further, as per the settlement, an amount of INR 3,00,000/-, in Court, has been tendered to the Respondent by way of a cheque, and a copy thereof is taken on record.

4. The Petitioners have agreed to pay the balance amount of INR 4,00,000/- at the stage of second motion for seeking divorce by mutual consent for which the parties shall jointly apply on or before 30th July, 2025.

5. Respondent No. 2 is present before the Court and confirms the settlement. Subject to receipt of the balance amount, she unequivocally gives her no objection to the quashing of the impugned FIR. Her statement has been duly taken on record.

6. Since an amount of INR 4,00,000/- is still to be paid in accordance with the terms of settlement, the proceedings are adjourned for appropriate orders. On the next date of hearing, the parties need not appear before the Court as they have already been identified by the IO. The Petitioners are directed to file a copy of the order(s) passed in the second motion in HMA No. 243/2025, as well as a copy of the receipt of the balance amount by Respondent No. 2.

7. Re-notify on 05th August, 2025.”

6. In compliance with the aforesaid order, the Petitioners have produced before this Court a certified copy of the order dated 08th August, 2025, allowing the second motion petition under Section 13-B(2) of the Hindu Marriage Act, 1955. The said order records that Respondent No. 2 (the Complainant) has received the balance settlement amount of INR 4,00,000/- from Petitioner No. 1 by way of Demand Draft bearing No. ‘073761’, dated 24th July, 2025, drawn on State Bank of India. The Family Court has also noted that the total settlement amount of INR 10,00,000/- has thus been fully paid and received by Respondent No. 2. The relevant paragraph read as follows:

“7. Both the parties have agreed that as per the settlement, petitioner no.2 has agreed to pay Rs.10,00,000/- to petitioner no.1, out of which, petitioner no. 1 has already received an amount of Rs.3 Lakhs from the petitioner no.2 at the time of recording statement in first motion petition. Petitioner no.1 has also already received an



amount of Rs.3 Lakhs from the petitioner no.2 on 03.07.2025. Petitioner no.1 has received remaining amount of Rs.4 Lakhs from the petitioner no.2 by way of DD bearing No. 073761, dated 24.07.2025, drawn on State Bank of India at the time of recording statement in second motion petition. It is further agreed between the parties that the custody of the minor child shall remain with petitioner no.1 and petitioner no.2 can have visitation rights to meet the minor child as per his convenience. However, this settlement would not effect the rights of the minor child pertaining to his education, maintenance and upbringing or in any other manner.”

7. The Court has considered the afore-noted facts. Notably, while the offences punishable under Sections 406 and 506 IPC are compoundable in certain cases, the offence punishable under Section 498A IPC is non-compoundable. However, it is well-established that the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), 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

⁴ (2014) 6 SCC 466



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]

8. 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]

9. Considering the nature of dispute and the fact that the parties have amicably entered into a settlement, this Court is of the opinion that the present case is fit to exercise jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) 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.

10. In light of the settlement dated 18th January, 2025, and the statements recorded before this Court on 03rd July, 2025, as well as the second motion order dated 08th August, 2025 of the Family Court, the impugned FIR No. 454/2022 dated 25th September, 2022, registered under Sections 498A, 406, and 506 of the IPC at P.S. Kishangarh along with all proceedings emanating therefrom are hereby quashed.

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

12. It is clarified that the settlement shall not impact the rights of the minor child.

13. Accordingly, the petition is disposed of along with any pending application(s).

SANJEEV NARULA, J

SEPTEMBER 12, 2025/ab