



\$~27 & 28

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

+ **W.P.(CRL) 2088/2025**

AMIT BARATHI

.....Petitioner

Through: Mr. M. S. Khan, Ms. Neha Khan, Mr. Samar Gulrez and Mr. Yasir Khan, Advocates.

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Anand V. Khatri, ASC with Mr. Ish Kumar Verma, Advocate for the State.

SI Manish Kumar, PS: Hazrat Nizamuddin.

Ms. Himani Aggarwal, Advocate for R-2 with R-2 in person.

+ **W.P.(CRL) 2113/2025**

AMIT BARATHI

.....Petitioner

Through: Mr. M. S. Khan, Ms. Neha Khan, Mr. Samar Gulrez and Mr. Yasir Khan, Advocates.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan, Mr. Manan Wadhwa and Mr. Anshul Sharma, Advocates for the State.

SI Manish Kumar, PS: Hazrat Nizamuddin



Ms. Himani Aggarwal, Advocate for
R-2 with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.10.2025

%

1. The present petitions filed under Section 482 of the Code of Criminal Procedure, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023²), seek quashing of two FIRs arising out of matrimonial discord between the parties:

- (i) In W.P.(CRL) 2088/2025: FIR No. 225/2019 dated 16th September, 2019 under Sections 498A/406/34 of the Indian Penal Code, 1860³, registered at P.S. Hazarat Nizamuddin, Delhi, at the instance of Preeti Barathi against her husband, Amit Barathi and her in-laws; and
- (ii) In W.P.(CRL) 2113/2025: FIR No. 147/2019 dated 07th June, 2019, under Sections 384/506 of the IPC, registered at P.S. Hazarat Nizamuddin, Delhi, at the instance of Girdhari Lal Aggarwal (father of Preeti Barathi), against Amit Barathi and his family members.

2. Amit Barathi and Preeti Barathi were married on 9th May, 2005 in accordance with Hindu rites and ceremonies. The parties have two children born from the said marriage.

3. Owing to matrimonial discord, the relationship between the parties deteriorated, leading to their separation. Despite several attempts at reconciliation by family and well-wishers, the differences remained

¹ "CrPC"

² "BNSS"

³ "IPC"



unresolved. Thereafter, Ms. Preeti Barathi lodged a complaint alleging that she had been subjected to cruelty by her husband and his family members, resulting in registration of FIR No. 225/2019.

4. Separately, FIR No. 147/2019 was registered on the complaint of Mr. Girdhari Lal Aggarwal, the father of Ms. Preeti Barathi, alleging that Amit Barathi and his family members had demanded a sum of ₹50,00,000/- and threatened to upload and circulate objectionable messages, photographs, and videos of his daughter, Parul, on social media platforms in the event of non-payment.

5. With the intervention of common friends, colleagues, and other respected members of society, the parties have since amicably resolved all their disputes. The complainants have decided not to pursue the subject FIRs against Mr. Amit Barathi and his family members. In furtherance of this understanding, a Settlement Deed dated 4th March, 2025 has been executed between the parties, a copy whereof is placed on record and has been perused by the Court.

6. As per the terms of the settlement, the complainants have undertaken to withdraw all proceedings pending before various courts and have voluntarily consented to the quashing of the subject FIRs. It has further been agreed that the custody of the two minor children shall remain with Amit Barathi, and Preeti Barathi shall not claim visitation rights. Pursuant to the settlement, the parties have obtained a decree of divorce by mutual consent by order dated 20th May, 2025, passed by the Principal Judge (South-East), Family Court, Saket Courts, Delhi. Notably, no monetary compensation has been paid to Ms. Preeti Barathi as part of the settlement.

7. In view of the settlement, the Complainants, who are present in Court



in person and have been duly identified by the Investigating Officer, unequivocally state that they do not wish to pursue the proceedings arising out of the subject FIRs. They further confirm that their decision to settle the matter is voluntary and without any pressure, coercion, or undue influence.

8. As no monetary component forms part of the settlement, this Court has interacted with Ms. Preeti Barathi to ascertain her understanding of her legal rights. She has stated that she is fully conscious of her right to claim maintenance or compensation from the Petitioner but has, of her own volition, chosen to waive the same. The complainants have also clarified that although the family members of the Petitioner are not arrayed as parties in the present petitions, they have no objection to the quashing of the FIRs *qua* them as well, subject to the Petitioner withdrawing the additional affidavits relating to supplementary grounds in W.P. (CRL) 2113/2025. Counsel for the Petitioner, on instructions, states that that the said affidavits be treated as withdrawn. His statement is taken on record.

9. In view of the voluntary settlement between the parties, the Petitioner seeks quashing of the subject FIRs and all proceedings emanating therefrom.

10. The Court has considered the submissions of the parties. Although the offences under Sections 384 and 498A of the IPC are non-compoundable, Section 406 is compoundable with the permission of the Court. It is, however, well settled that the High Court, in the exercise of its inherent powers under Section 482 of the CrPC (now Section 528 of the BNSS), may, in appropriate cases, quash criminal proceedings even in respect of non-compoundable offences, where the parties have entered into a genuine and voluntary settlement and where the continuation of such proceedings would serve no useful purpose or subserve any public interest. In this regard



it would be apposite to refer to the decision of the Supreme Court in **Gian Singh v. State of Punjab & Anr.**,⁴ wherein the Court held: :

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

11. The principle laid down in *Gian Singh* was further elaborated by the Supreme Court in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ wherein it was observed that:

“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.

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

12. The Complainants in the present case have categorically expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

13. In view of the foregoing, the present petitions are allowed and FIR No. 225/2019 and FIR No. 147/2019, both registered at P.S. Hazarat Nizamuddin as well as all proceedings emanating therefrom are quashed.

14. For abundant caution, it is clarified that the settlement between the



parties shall not affect the rights of their minor children, in view of the judgement of the Supreme Court in ***Ganesh v. Sudhi Kumar Shrivastava***.⁶

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

16. Accordingly, the petitions are disposed of.

SANJEEV NARULA, J

OCTOBER 17, 2025

d.negi

⁶ (2020) 20 SCC 787.