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

+ **CRL.M.C. 4890/2025 (*Disposed of case*)**

SAEED

.....Petitioner

Through: Mr. Yogesh Sharma, Ms. Pratima Rani, Mr. Yugant Parihar and Mr. Yogeshwer Singh, Advocates alongwith Petitioner in Person.

versus

**STATE (THROUGH SHO
PS DAYAL PUR) & ANR.**

.....Respondents

Through: Ms. Manjeet Arya, APP for State with SI Mahipal, P.S. Dayarpur. Mr. Yunus Khan and Mr. Imran, Advocates for R2 alongwith R2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.02.2026

CRL.M.A. 755/2026 (*for condonation of delay*)

This is an application seeking condonation of delay of 12 days in filing the restoration application.

For the reasons stated, and with the consent of learned counsel for the parties, the application is allowed, and the delay is condoned.

The application stands disposed of.

CRL.M.A. 754/2026 (*for restoration of main case*)

This is an application seeking restoration of CRL.M.C. 4890/2025, which was dismissed for non-prosecution by order dated 26.11.2025.

For the reasons stated, and with the consent of learned counsel for



the respondents, the application is allowed, and the petition is restored to its original number.

The application stands disposed of.

CRL.M.C. 4890/2025

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 [“CrPC”]) seeking quashing of FIR No. 22/2024 dated 05.01.2024, registered at Police Station Dayal Pur, District North East, New Delhi, under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, and consequential proceedings emanating therefrom, on the ground of settlement.
2. The petitioner and respondent No. 2 were married on 27.12.2022, but have been living separately since 10.08.2023. One child was born from the wedlock on 15.11.2023.
3. The impugned FIR was registered on 05.01.2024, at the instance of respondent No. 2, against five accused persons, namely her husband [petitioner herein], parents-in-law, brothers-in-law. The allegations emerging therefrom are that, on 02.01.2024, the petitioner had pronounced triple talaq against respondent No. 2.
4. The parties have since settled their disputes, as recorded in a Memorandum of Understanding [“MoU”] dated 19.02.2024. They, therefore, seek quashing of the impugned FIR.
5. The petitioner is present in Court, and is identified by learned counsel, and the Investigating Officer [“IO”]. Respondent No. 2 is also present in person, and is identified by her learned counsel and the IO.



6. The MoU records that the parties have dissolved their marriage in accordance with the applicable law, and that the petitioner shall pay a sum of Rs. 5,00,000/- to respondent No. 2 towards full and final settlement. It is also agreed that the custody of the minor child shall remain with respondent No. 2.

7. Respondent No. 2, who is present in person and represented by counsel, confirms that she has received the aforesaid amount. Learned counsel for the parties also confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

8. Whilst there are certain observations in the MoU which purportedly affect the rights of the minor child, learned counsel for the petitioner and respondent No. 2 make it clear that no right of the minor child, or of any person acting on behalf of the minor child, is affected by the settlement.

9. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], which held as follows:

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an



exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, **where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.** The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], the Supreme Court has also 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 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. In the present case, the proceedings between the parties arise out of a matrimonial relationship, which has already culminated in a divorce. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its



continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

11. As noted above, the amount of Rs. 5,00,000/- contemplated in the MoU has been paid to respondent No. 2. There is, therefore, no impediment to the grant of the relief sought.

12. Having regard to the above discussion, the petition is allowed, and FIR No. 22/2024 dated 05.01.2024, registered at Police Station Dayal Pur, District North East, New Delhi, under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, alongwith all consequential proceedings arising therefrom, is hereby quashed.

13. The parties will remain bound by the terms of the settlement.

14. The petition accordingly stands disposed of.

15. It is made clear that this order does not affect the rights of the minor child, who remains in the custody of respondent No. 2.

PRATEEK JALAN, J

FEBRUARY 3, 2026

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