



\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5566/2025, CRL.M.A. 23810/2025 & CRL.M.A.
26507/2025

PAWAN KUMAR AND ANR

.....Petitioners

Through: Mr. Kulbhushan Mehta, Mr. Atul, Mr.
Sunil, Advocates with Petitioners in
person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Nitesh Mahiya, PS Sagarpur.
Mr. H.M Mukherjee, Advocate for R-
2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.12.2025

%

1. This petition filed 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. 545/2024 dated 19th September, 2024³ registered under Sections 498A/406/34 of the Indian Penal Code, 1860⁴ at P.S. Sagarpur, and all other proceedings emanating therefrom.

2. Petitioner No. 1 is the husband and Petitioners No. 2 is the mother-in-

¹ "BNSS"

² "Cr.P.C."

³ "impugned FIR"

⁴ "IPC"



law of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 08th December, 2021, as per Hindu rites and ceremonies. Parties have no child from the said marriage. Due to matrimonial discord and temperamental differences, the relationship between the parties deteriorated and parties have been living separately since 17th January, 2024. Several efforts for reconciliation were made but to no avail.

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. During the course of investigation, in her statement under Section 164 CrPC, she further alleged non-consensual acts of unnatural sexual assault, leading to the addition of charges under Section 377 IPC.

4. The parties of their own free will, without any coercion, pressure or undue influence have amicably resolved all their disputes and differences. Petitioner No. 1 and Respondent No. 2 have executed a Settlement Deed dated 9th May, 2025 before the Principle Judge, Family court, Patiala House Courts, New Delhi whereby Petitioner No. 1 agreed to pay a total sum of INR 28,00,000/- to Respondent No. 2 as full and final settlement amount. Respondent No. 2, in turn, 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 30th July, 2025 passed by the Principal Judge, Family Court, Patiala House Courts, New Delhi.

5. The Complainant, appearing in person and duly identified by the Investigating Officer, gives no objection to the quashing of the impugned



FIR. She confirms that, as per the terms of the settlement, she has received an amount of INR 21,00,000/- from the Petitioners. Additionally, in accordance with the Agreement, the Petitioners have tendered the balance amount by way of a DD bearing No. 164184 for an amount of INR 7,00,000/- to Respondent No. 2 during the proceedings. The same has been duly received and acknowledged by Respondent No. 2. A copy of the said DD has been handed over across the board and is taken on record. In light of the foregoing, counsel for the parties jointly pray for the quashing of the impugned FIR.

6. Given that the present case includes allegations under Section 377 IPC, the Court has interacted with Respondent No. 2 to ascertain her position. On a specific query regarding the said allegation, she clarified that the accusation stemmed from a misunderstanding and was made in the heat of the moment, influenced by the circumstances prevailing at that time. She now confirms that she does not wish to pursue those allegations any further and has resolved all her disputes with the Petitioners. She further states that she now wishes to move on in life and put this case behind.

7. While the offences under Section 498A/377 of IPC are non-compoundable, Sections 406 of IPC are compoundable in certain cases. Notably, the offence under Sections 377 IPC, although serious and heinous in nature is alleged against the husband. In exceptional circumstances, the Court, in exercise of its inherent powers under Section 482 of Cr.P.C. (now Section 528 of BNSS), has quashed proceedings where the settlement was genuine, the circumstances of the case so justified, and no larger public interest was at stake. The Supreme Court in *Gian Singh v. State of Punjab*



& Anr.⁵ has held as follows:

“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.”

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ the Supreme Court held as follows:

“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.”

[Emphasis Supplied]

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



9. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest.

10. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further. Throughout her interaction with the Court, she has maintained that she does not support the Prosecution's case, and that the impugned FIR came to be lodged due to a misunderstanding on her part. 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. Considering the circumstances and the governing legal principles, this Court deems it fit to invoke its powers under Section 482 CrPC to secure the ends of justice.

11. In view of the above, the impugned FIR No. 545/2024 and all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

DECEMBER 2, 2025/ab