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

+ **W.P.(CRL) 3203/2025 & CRL.M.A. 29305/2025 EXMP.**

VIKAS PHOUGAT & ORS.

.....Petitioners

Through: Ms. Sakshi, Mr. Deepak Choudhary,
Mr. Prateek Balad, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Sachin D-3476, P.S.
Mundka.

Ms Aafreen Khan, Mr. Rahul Arya
and Mr. Naveen Sehrawat, Advs. for
Respondent no. 2, with R2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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26.09.2025

1. Petitioners herein seek quashing of an FIR No. 0171/2017 dated 30.06.2017 for the alleged offences under Sections 498A/406/34 IPC, registered at Police Station Mundka, along with all the consequential proceedings arising therefrom, on the basis of a compromise between the parties.

2. Dispute between the parties arose mainly from the matrimonial discord between Petitioner no.1 (Husband) and Respondent no.2/ Complainant (wife). The couple got married on 18.02.2012 as per Hindu rites and ceremonies. They are living separately since 04.04.2017. One girl child is born from the wedlock, presently in the care and custody of the Mother (Respondent no.2)

2.1 The aforesaid FIR was also registered against the Father (Petitioner



no.2) and Mother (Petitioner no.3) of Petitioner no.1.

3. Learned counsel for the petitioner submits that the parties have amicably resolved all their disputes by way of settlement for a sum of Rs.16,00,000/- *vide* MoU/Settlement Deed dated 04.10.2024. He further submits that the parties have no grievances left amongst themselves, and the Respondent no.2 does not wish to press charges against the petitioners, and has no objection to the quashing of the FIR in question.

3.1 Learned Counsel submits that pursuant to the settlement, marriage between the Petitioner No.1 and Respondent no.2 has already been dissolved by a decree of divorce dated 24.05.2025 by the competent Family Court.

3.2 Learned Counsel lastly submits that keeping in view that the parties have amicably settled their disputes and differences arising from their matrimonial relationship, further continuation of proceedings would be a futile exercise. Since the offences alleged are non-compoundable in nature, in order to secure the ends of justice, the interference of this Court is warranted and the FIR as well as all consequential proceedings be quashed.

4. The learned ASC for the state in the petition, under instructions concur with the factum of compromise between the persons and the same has been duly verified, he informs.

5. In the aforesaid backdrop, I have heard learned counsel for the petitioners and respondent no. 2, as well as, perused the material available on record.

6. The Complainant/Respondent no.2 is present in Court and upon interaction, she candidly submits that she has amicably resolved her differences with her husband and has entered into the settlement out of her own free will, without any pressure, coercion, or undue influence. She



further states that pursuant to the settlement, she does not wish to continue with the proceedings against the petitioners as no dispute and grievance remains unresolved with the petitioners.

7. Since the Complainant does not wish to press charges and there is no incriminating evidence against the petitioners, coupled with the fact that a compromise has been reached, continuing with the criminal proceedings would be an exercise in futility, amounting to an abuse of the process of law.

8. The genuineness of the compromise is not in dispute. However, since the Trial Court was not empowered to compound certain offences, the criminal proceedings could not be dropped. Given that the dispute has been resolved amicably through a financial settlement and mutual consent divorce, continuing with criminal proceedings may serve no useful purpose and would rather defeat the very purpose of the settlement and be a drain on judicial resources and abuse of the process of law. Quashing the FIR, on the other hand, would facilitate the parties in maintaining and restoring cordiality.

9. In the premise, taking a wholesome view and in order to let the parties entire mutual cordiality and the family bonhomie which will go long way to establish peace rather than promote hostility in case further proceedings continue, this is a fit case for invoking inherent powers vested with this Court under Section 528 of BNSS, 2023 (erstwhile Section 482 Cr.P.C.), and it is deemed expedient to quash the FIR in question. Reference in this context may be had to judgment rendered in the case of ***Gian Singh Vs. State of Punjab & Anr. [(2012) 10 SCC 303]***.

10. Accordingly, exercising the inherent powers vested in this Court under Section 528 of BNSS, it is therefore deemed expedient to quash the



FIR in question arising out of matrimonial dispute.

11. However, I may like to make it clear that quashing of the FIR shall have no bearing on the inheritance rights of the minor *qua* her father.

12. Consequently, the instant petition is thus allowed. FIR No. 0171/2017 dated 30.06.2017 for the alleged offences punishable under Sections 498A/406/34 IPC, registered at Police Station Mundka, and all other proceedings arising therefrom, are hereby quashed.

13. All pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

SEPTEMBER 26, 2025

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