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

\+ CRL.M.C. 7318/2025 & CRL.M.A. 30710/2025

SANDEEP SHARMA .....Petitioner

Through: Mr. Rajiv Ranjan, Advocate along with Petitioner in person.

versus

STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Hemant Mehla, APP for the State along with SI Sushil, PS Kapashera.
Mr. S.K Singh, Advocate for Respondent No. 2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 15.10.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (formerly Section 482 of the Code of Criminal Procedure, 1973[2]) seeks quashing of FIR No. 343/2021, registered under Sections 498A/406/34 of the Indian Penal Code, 1860[3] at P.S. Kapashera, and all other proceedings emanating therefrom.

2. The Petitioner is the husband of Respondent No. 2. The marriage between the Petitioner and Respondent No. 2 was solemnized on 16th July, 2019 as per Hindu rites and ceremonies. Parties have no child from this marriage. Due to matrimonial discord, the relationship between the parties

[1] "BNSS"
[2] "Cr.P.C."

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deteriorated. Pursuant thereto, Respondent No. 2 made a complaint against the Petitioner, alleging that he was subjected to cruelty by him, which later culminated into the impugned FIR. Upon conclusion of the investigation, chargesheet was filed against the Petitioner for the offences under Sections 498A and 377 of the IPC. However, by order on charge dated 13th March, 2023, the charge under Section 377 IPC was dropped, and the Petitioner was charged only for the offence punishable under Section 498A IPC.

3. Pertinently, the marriage between the parties was declared null and void by the Family Court under Section 3 of the Prohibition of Child Marriage Act, 2006, by order dated 17th February, 2023, passed in *ex parte* proceedings, on the ground that the Petitioner had not attained the age of 21 years at the time of the marriage.

4. The parties have now amicably settled their disputes and differences on their own free will, without any coercion, pressure or undue influence. In furtherance thereof, they have executed a Settlement Agreement dated 06th September, 2025, whereby Petitioner No. 1 agreed to pay a total sum of INR 10,15,000/- to Respondent No. 2, who, in turn, agreed to withdraw all proceedings pending before various Courts. The marriage between the parties has already been annulled by the Family Court by order dated 17th February, 2023.

5. Respondent No. 2, who is present before this Court and duly identified by the Investigating Officer, gives no objection to the quashing of the impugned FIR. She confirms that in terms of the Settlement Agreement, she has already received a sum of INR 5,00,000/- from the Petitioner. Additionally, in accordance with the agreement, the balance amount of INR

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[3] "IPC"

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5,15,000/- has been tendered to her by way of a demand draft, bearing DD No. 941697. The same has been duly received and acknowledged by Respondent No. 2. A copy of the demand draft has been handed over across the board, and is taken on record. In light of the amicable settlement, counsel for the parties jointly seek quashing of the FIR.

6. The Court has considered the afore-noted facts. Notably, the offence under Section 498A of IPC is non-compoundable; however, it is well-established that the High Courts, in exercise of their powers under Section 528 of BNSS (formerly Section 482 of Cr.P.C.), 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:*
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> *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.*
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> ***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:***

[4] (2014) 6 SCC 466

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(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]

7. 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 first information report or a criminal proceeding on the ground that a settlement

[5] **(2017) 9 SCC 641**

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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

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> *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."*
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> [Emphasis Supplied]

8. 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 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.

9. In view of the above, the petition is allowed, and FIR No. 343/2021, P.S. Kapashera and all consequential proceedings arising therefrom are hereby quashed.

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

11. Disposed of, along with pending application.

SANJEEV NARULA, J

OCTOBER 15, 2025/MK

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