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

+ CRL.M.C. 352/2025 & CRL.M.A. 1766/2025

MOHAMMAD DANISH & ORS.Petitioners

Through: *Appearance not given*

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mohd. Shamikh, Advocate for R-
2 with Respondent No. 2 in person
SI Suresh Kumar Meena, PS New
Usmanpur

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.05.2025

1. The present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of Criminal Procedure Code, 1973²) seeks quashing of FIR No. 438/2016 dated 18th May, 2016, registered under Sections 498A, 406 and 34 of the Indian Penal Code, 1860³, at P.S. New Usmanpur, as well as all consequential proceedings emanating therefrom. A charge sheet *qua* the Applicant stands filed in the present case, which has further added the offence under Section 506 of IPC and Section 4 of the Dowry Prohibition Act, 1961.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioner Nos. 2 to 5 are relatives of Petitioner No. 1. The marriage between Petitioner No. 1

¹ "BNSS"

² "CrPC"

³ "IPC"

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and Respondent No. 2 was solemnised on 13th October, 2012, according to Muslim rites and customs. No child was born from this marriage. However, due to matrimonial discord and temperamental differences, the relationship between the parties deteriorated and they started living separately.

3. Subsequently, Respondent No.2 made a complaint against Petitioners, alleging that she was subjected to cruelty by them, which later culminated into the impugned FIR.

4. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence before the Delhi Mediation Centre, Tis Hazari Courts, Delhi and a Mediation Settlement dated 3rd June, 2024 has been executed by Petitioner No. 1 and Respondent No. 2. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings pending before various Courts. Pursuant to the settlement, the parties have agreed to part ways and mutually dissolve their marriage by way of Talaq (Mubbarat, i.e., mutual consent) as per Mohammadan Law. Petitioner No. 1 and Respondent No.2 have obtained talaq through three deeds of pronouncement dated 24th July, 2024, 22nd August, 2024 and 23rd September, 2024.

5. On 9th May, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar wherein she verified that the matter has been amicably settled between the parties and she confirmed receiving a demand draft dated 8th May, 2025, for a sum of INR 1,50,000/- and gave her no objection to the quashing of the FIR.

6. In light of the foregoing, counsel for the parties jointly prayed for the quashing of the impugned FIR. Respondent No. 2, who is present before this

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Court and identified by the Investigating Officer, confirms her statement made to the Court and gives no objection to the quashing of the impugned FIR. An Affidavit/No Objection Certificate to this effect is also on record.

7. The Court has considered the afore-noted facts. Notably, offence under Section 498A of IPC is non-compoundable while offences under Section 406 and 506 of IPC are compoundable in certain cases.

8. The Court has considered the afore-noted facts. Notably, offence under Sections 498A is non-compoundable. However, it is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 482 of CrPC), 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:

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

⁴ (2014) 6 SCC 466

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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]

9. 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

⁵ (2017) 9 SCC 641

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

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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

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.”

[Emphasis Supplied]

10. 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 582 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.

11. In view of the above, the impugned FIR No. 438/2016 dated 18th May, 2016, registered under Sections 498A, 406 and 34 of IPC, as well as all consequential proceedings emanating therefrom are quashed.

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

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MAY 20, 2025/ab

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