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

+ **CRL.M.C. 8995/2025 & CRL.M.A. 37598/2025**

SHAMIM AHMED & ANR.

.....Petitioners

Through: Mr. Mohd. Khurshid, Mr. Mohd. Nasir, Mr. Mohd. Nabeel, Advocates with Petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the State with ASI Rajkumar Giri, PS IP Estate, Central District.
Mr. Nitin Sharma, Mr. Sandeep Kumar, Mr. Sumit Kumar, Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.12.2025

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1. This petition 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. 355/2024 dated 07th November, 2024, registered at P.S. I.P. Estate, Delhi, under Sections 323, 354, 417, 420, 498A and 506 of the Indian Penal Code, 1860³, and all consequential proceedings emanating therefrom.

2. The prosecution case emanates from Respondent No. 2's written

¹ "BNSS"

² "CrPC"

³ "IPC"



complaint to the CAW Cell, Kamla Market. The complainant stated that she was married to Shamim Ahmed on 28th December, 2021, pursuant to which substantial cash amounts were paid to the husband on his insistence, and that prior to marriage, material facts relating to his marital status, children, and financial standing were deliberately concealed. It was alleged that soon after marriage, the complainant was subjected to continuous physical, mental, sexual, and economic cruelty, including repeated assaults, threats to life, coercion to arrange further money from her parental home, and forcible unnatural sexual acts. The complainant further alleged that large sums of money were obtained from her father on the pretext of business needs and were never returned. She also alleged that she was assaulted, abused, threatened and was sexually assaulted by her stepson Guddu, with the husband refusing to take action and instead intimidating her and her family. Based on the above allegations, the present FIR was registered.

3. The parties of their own free will, without any coercion, pressure or undue influence have amicably resolved all their disputes and differences before the Mediation Centre, Tis Hazari Courts, Delhi and Petitioner No. 1 and Respondent No. 2 have executed a Mediation Settlement dated 18th August, 2025, whereby Petitioner No. 1 agreed to pay a total sum of INR 5,25,000/- to 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, Petitioner No. 1 and Respondent No. 2 are now divorced by mutual consent on 19th October, 2025, as is evident from the Affidavit/No Objection Certificate filed by Respondent No. 2.



4. Respondent No. 2, who appears in person, duly identified by the Investigating Officer, confirms the settlement and the fact that it has been entered voluntarily, without any pressure or coercion. She further confirms that in terms of the MoU, she has received the entire settlement amount. The Petitioners also appear in person and are identified by the Investigating Officer.

5. She clarifies that the allegations pertaining to Petitioner No. 2 of inappropriately touching and attempting to rape, arose out of heightened emotional distress and matrimonial discord prevailing at the relevant time. She states that the said allegations were made on the basis of her perception and understanding of the circumstances as they then existed and regrets the same. She states that she does not now wish to pursue the impugned FIR. She further states that upon introspection and in view of the amicable settlement arrived at between the parties, she does not allege any subsisting grievance against Petitioner No. 2 and has no objection to the quashing of the present FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 354 and 498A IPC are non-compoundable, the offences under Sections 323, 417, 420 and 506 IPC are compoundable in certain cases.

7. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v.**



State of Punjab & Anr.⁴ 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.”

[Emphasis added]

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ 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.

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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. Although the offences under Sections 354 and 498A IPC cannot be treated as strictly ‘*in personam*’, and they touch upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. 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. Respondent No. 2 has unequivocally stated before this Court that she has voluntarily settled all disputes with the Petitioners and does not wish to pursue the present proceedings any further. She has confirmed receipt of the entire settled amount and has expressed her no objection to the quashing of the impugned FIR. In view of her categorical stand, as also her clarification



regarding the allegations against Petitioner No. 2, the likelihood of the prosecution being able to secure a conviction is rendered remote and speculative. In these circumstances, continuation of the criminal proceedings would serve no meaningful purpose and would amount to an abuse of the process of law, while unnecessarily burdening the criminal justice system. Having regard to the totality of the facts and the principles governing the exercise of inherent jurisdiction, this Court is satisfied that the present case warrants intervention under Section 528 of the BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 355/2024 dated 07th November, 2024, registered at P.S. I.P. Estate, Delhi, under Sections 323, 354, 417, 420, 498A and 506 IPC, and all consequential proceedings emanating therefrom, are hereby quashed.

12. The parties shall remain bound by the terms of settlement.

13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

DECEMBER 16, 2025/ab