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

+ **W.P.(CRL) 278/2025**

SH. MANISH KANDPAL & ORS.Petitioners

Through: **Mr. Bahar U. Barqi, Advocate.**

versus

STATE NCT OF DELHI AND ANRRespondents

Through: **Ms. Rupali Bandhopadhyaya, APP for State.**

Mr. Rohit Rexwal, Advocate for the complainant.

Ms. Sangita Pokhriyal, complainant in person through VC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
28.03.2025

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CRL.M.A. 2428/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.A. 2429/2025 (Exemption from filing affidavit of Respondent No. 2)

4. Exemption is granted. Subject to all just exceptions.
5. The application stands disposed of.



W.P.(CRL) 278/2025 and CRL.M.A. 2427/2025 (Stay)

6. The present petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 405/2020 registered under Sections 498A/406/34 of the Indian Penal Code, 1860³ at P.S. Vasant Kunj North and all other proceedings emanating therefrom.

7. Petitioner No. 1 is the husband of Respondent No. 2. Petitioners No. 2 to 4 are the in-laws of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 10th March, 2015 as per Hindu rites and ceremonies. No child was born from the said marriage. However, due to matrimonial discord, the relationship between the parties deteriorated. Several efforts for reconciliation were made but to no avail.

8. 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.

9. 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 through mediation as recorded before the Delhi Mediation Centre, Dwarka Courts on 6th June, 2024 and a Settlement Deed dated 28th September, 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 co-operate for quashing the present FIR. Pursuant to the settlement, Petitioner

¹ “BNSS”

² “Cr.P.C.”

³ “IPC”



No. 1 and Respondent No. 2 have obtained a decree of divorce by mutual consent through order dated 1st October, 2024 passed by the Family Courts, District South, Saket Courts, New Delhi.

10. On 6th March, 2025, the statement of Respondent No. 2 was recorded before the Joint Registrar and after verification of all critical aspects, the Joint Registrar passed the following order:

“ Today, statement of respondent no. 2 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR No. 405/2020, Under Section 498-A/406/34 IPG, registered at PS Vasant Kunj, Delhi and charge sheet has been filed against the petitioners.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion after obtaining due legal advice entered into compromise with the petitioners before Mediation Cell, Dwarka Courts, Delhi, Vide Settlement dated 06.06.2024 which is on record as Annexure - P-3 at page 83 onwards bearing her signatures.

Respondent no. 2 has settled all her issues, disputes and grievances with the petitioner without any monetary or any other consideration. Respondent no. 2 has no objections, if the FIR No. 405/2020, Under Section 498-A/406/34 IPG, registered at PS Vasant Kunj, Delhi and all proceedings emanating there from is quashed against the petitioners. Respondent no. 2 states that she undertakes to withdraw all other cases instituted by her against the petitioners, if any remaining.

As per the terms of the settlement. Respondent no. 2 shall not file any other case in future regarding the claim of my stridhan or towards her alimony or maintenance past, present and future whatsoever by way of any litigation. There is no child born out of the wedlock.

Respondent no. 2 has already obtained divorce from petitioner no. 1 in HMA No. 2809/2024. The divorce decree dated 01.10.2024 is on record as Annexure P-6 at page 107 onwards. Now Respondent no. 2 has no objection whatsoever if the present FIR against the petitioner is quashed and Respondent no. 2 shall fully cooperate in quashing of the present FIR and raise no claim in future through any civil or criminal litigation with regards to the incident relating to the present FIR.



Respondent no. 2 has been identified by her counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on 28th March, 2025 alongwith the statements recorded today.”

11. In light of the foregoing, counsel for the parties jointly prayed for the quashing of the impugned FIR.

12. The Court has considered the afore-noted facts. Notably, offence under Sections 498A of IPC is non-compoundable while offence under Section 406 of IPC is compoundable in certain cases.

13. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS (formerly 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:

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

⁴ (2014) 6 SCC 466



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.

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]

14. 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

⁵ (2017) 9 SCC 641



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 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

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]

15. 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.

16. In view of the above, the impugned FIR No. 405/2020 and all consequential proceedings arising therefrom are hereby quashed.

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

SANJEEV NARULA, J

MARCH 28, 2025/PB