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

+ **CRL.M.C. 209/2026**

DWARKA NATH HANDA & ORS.Petitioners
Through: Ms. Surinder Kaur, Advocate with
petitioner No. 1 in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.
....Respondents
Through: Ms. Manjeet Arya, APP.
SI Mansi, PS-Maurya Enclave.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
03.02.2026

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1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 61/2019 dated 01.03.2019, registered at Police Station Maurya Enclave, District North West, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], on the ground of settlement.
2. Issue notice. Notice is accepted on behalf of Ms. Manjeet Arya, learned Additional Public Prosecutor, on behalf of the State. Respondent No. 2, who is present in person, is not represented by any counsel, and denies assistance of a legal aid counsel.
3. The FIR is registered at the instance of respondent No. 2, who was



the wife of petitioner No. 2. Petitioner No. 1 is the father of petitioner No.2 and petitioners Nos. 3 to 5 are his family members.

4. Petitioner No. 2 and respondent No. 2 were married on 12.11.2017. Differences arose in the course of marriage, and they started residing separately since June 2018. No child was born from the said wedlock.

5. Respondent No.2 instituted proceedings before the Crime Against Women Cell on 27.08.2018 alleging that soon after her marriage, petitioner No. 2 and his family members subjected her to continuous cruelty, physical and mental harassment, and unlawful demands for dowry, including cash, car, jewellery, and expensive household articles. On the basis of the complaint, the FIR was registered on 01.03.2019. Upon completion of investigation, chargesheet was filed in February 2022. The case [Cr. Case No. 2301/2022] is pending before the Court of Judicial Magistrate First Class (Mahila Court), District North West, Rohini Courts, Delhi, and is at the stage of “*Misc.case*”, and is next listed on 10.02.2026.

6. Respondent No. 2 had filed a Domestic Violence Case under Section 12 of the Domestic Violence Act, 2005, [Ct. Case No. 4270/2019], before the Court of Judicial Magistrate First Class, Mahila Courts, Rohini, Delhi, and the parties were referred to the Mediation Centre, pursuant to which the parties entered into a settlement on 31.08.2024. As per the said settlement, the parties agreed to dissolve their marriage by mutual consent, and petitioner No. 2 agreed to pay a total sum of Rs. 5,00,000/- towards full and final settlement of all claims, including maintenance, alimony, stridhan, and other expenses, along with withdrawal/quashing of all pending litigations.



7. Pursuant to the settlement, the marriage has been dissolved by a decree of divorce by mutual consent by the Principal Judge, Family Courts, North West District, Rohini Courts, Delhi, on 26.11.2025 [in HMA Petition No. 2001/2025].

8. Petitioner No. 1 (father-in-law of Respondent No. 2) and respondent No. 2 are present in Court. The remaining petitioners are appearing through video conference and have been duly identified by learned counsel as well as the Investigating Officer [“IO”]. Respondent No. 2 has also been identified by the IO.

9. In light of the aforesaid, parties seek quashing of the impugned FIR.

10. Although the offence under Section 498A of IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

11. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has held as follows:

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of

¹(2012) 10 SCC 303.



justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, **where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.** The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also 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:

²Emphasis supplied.

³ (2014) 6 SCC 466.



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.

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.”⁴

12. In the present matter, the dispute between the parties stems from a matrimonial relationship that has already concluded in a decree of divorce. In light of the principles laid down by the Supreme Court, and considering that respondent No. 2 has expressly confirmed before this Court that the settlement was entered into voluntarily, it appears that the criminal proceedings have less likelihood of ending in conviction. Their

⁴Emphasis supplied.



continuation would therefore serve no meaningful purpose and would merely burden the judicial system while leading to unnecessary expenditure of public time and resources.

13. The settlement contemplates payment of a sum of Rs. 5,00,000/- to Respondent No. 2, out of which Rs. 3,00,000/- has already been paid. The remaining Rs. 2,00,000/- was to be paid by way of a demand draft. The demand draft has been brought to Court; however, the name of respondent No. 2 has been incorrectly spelled. Petitioner No. 1 submits that he shall transfer the remaining amount electronically within three days from today. An affidavit of compliance shall be filed within one week from today, failing which the petition shall be listed before this Court.

14. It is made clear that any failure to comply with the aforesaid condition shall result in the recall of this order and the revival of the present proceedings. These arrangements are also acceptable to respondent No. 2. There is, therefore, no impediment to the grant of the relief sought.

15. Having regard to the above discussion, the petition is allowed, and proceedings arising out of FIR No. 61/2019 dated 01.03.2019, registered at Police Station Maurya Enclave, District North West, Delhi, under Sections 498A/406/34 of the IPC, are hereby quashed.

16. The petition is accordingly disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026



‘Bhupi/JM’/