



\$~69 & 70

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

+ CRL.M.C. 357/2026 & CRL.M.A. 1322/2026

GHULAM RASOOL AND ANR

.....Petitioners

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

+ CRL.M.C. 367/2026 & CRL.M.A. 1384/2026, CRL.M.A. 1385/2026

GHULAM GHAAUS

.....Petitioner

versus

THE STATE GOVT. OF NCT OF DELHI
AND ANR.

.....Respondents

Appearance:

Mr. S. S Haider, Advocate along with petitioner in person in Item Nos. 69 & 70.

Mr. Aashneet Singh, APP for State in Item Nos. 69 & 70.

Mr. Archit Ojha, Advocate for R-2/complainant in Item Nos. 69 & 70.

SI Mahavir Pal in Item No. 69.

SI Chanda Singh in Item No. 70.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

25.02.2026

1. The petitioners have filed these petitions 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. 385/2019 dated 24.05.2019 under Sections



354/354B/506 of the Indian Penal Code, 1860 [“IPC”] and FIR No. 70/2021, dated 13.02.2021, under Sections 498A/406/34 of the IPC. Both FIRs were registered at Police Station Dabri. The petitioners seek quashing on the ground of settlement.

2. Issue notice. Mr. Aashneet Singh, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Archit Ojha, learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer [“IO”]. Respondent No. 2 is present by way of video conference, and is identified by her learned counsel and the IO.

4. The petitions are taken up for disposal with the consent of learned counsel for the parties.

5. Both the impugned FIRs have been registered at the instance of the same complainant, who is arrayed as respondent No. 2 in both the petitions. The petitioner in CRL.M.C. 367/2026 is her brother-in-law. The petitioners in CRL.M.C. 357/2026 are her husband and brother-in-law.

6. Respondent No. 2 married her husband on 19.10.2018. No child was born from the wedlock. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 29.05.2019.

7. Respondent No. 2 had initially made a complaint dated 13.06.2019 raising allegations of Section 354/354B of IPC against her brother-in-law, which culminated into FIR No. 385/2019.

8. Owing to her matrimonial dispute, respondent No. 2 thereafter lodged a formal complaint before the Crime against Women Cell, and the



same culminated into FIR No. 70/2021, against her husband, and his family members.

9. A chargesheet has subsequently been filed in both petitions.

10. During the pendency of the proceedings, the parties have entered into a settlement, recorded in a Settlement Deed dated 28.04.2025.

11. Pursuant to the settlement, the parties have gotten a divorce on 28.04.2025.

12. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure. Respondent No. 2, who is present by way of video conference, states that she has no objection to granting the reliefs prayed for, and that she does not wish to pursue either of the FIRs. She states that she has since remarried, and does not wish to prosecute these cases further. The allegations against the brother-in-law arose out of a misunderstanding on account of the matrimonial dispute with her husband.

13. In light of the aforesaid, parties seek quashing of the impugned FIRs.

14. 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.

15. 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 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:

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



“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.

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

16. In the present case, the proceedings between the parties arise out of a matrimonial relationship, where the parties have already obtained divorce and parted ways. Respondent No. 2 has also appeared before this Court and stated that she does not wish to pursue these FIRs, in view of her subsequent remarriage. It appears that the allegations under Section 354/354B of IPC arose out of a misunderstanding in context of the said matrimonial dispute. Continuation of the proceedings is likely to impede respondent No.2's domestic life. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

17. The settlement contemplates payment of a sum of Rs. 5,00,000/- to respondent No. 2, who states that Rs. 3,50,000/- has already been received by her. The balance amount, i.e. Rs. 1,50,000/-, has been handed up to respondent No.2 today in Court. There is therefore no impediment to the grant of the relief sought.

18. Having regard to the above discussion, the petitions are allowed, FIR No. 385/2019 dated 24.05.2019 under Sections 354/354B/506 of the IPC, and FIR No. 70/2021 dated 13.02.2021, under Sections 498A/406/34 of the IPC and, alongwith all consequential proceedings arising

⁴ Emphasis supplied.



therefrom, are hereby quashed.

19. The parties will remain bound by the terms of the settlement.

20. The petitions accordingly stand disposed of.

PRATEEK JALAN, J

FEBRUARY 25, 2026/Sh/AD/