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

+ **CRL.M.C. 397/2026**

**SAHIL KAPOOR & ORS.**

.....Petitioners

Through: Mr. Manoj Kumar Sharma,  
Advocate.

versus

**STATE GOVT OF NCT DELHI & ANR.**

.....Respondents

Through: Ms. Manjeet Arya, APP.  
SI Krishan Varma, PS: Inder Puri.  
Ms. Nancy, Advocate for R-2 with  
R-2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **16.01.2026**

**CRL.M.A. 1495/2026 (for exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**CRL.M.C. 397/2026**

1. The petitioners have filed the present 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. 0003/2022 dated 05.01.2022, registered at P.S. Inder Puri, Delhi, for offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 ["IPC"], on the ground that the parties have arrived at an amicable settlement.

2. The aforesaid FIR was registered at the instance of respondent No. 2, the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the mother-in-law and father-in-law of respondent No. 2, respectively, while petitioner



No. 4 is her sister-in-law.

3. Petitioner No. 1 and respondent No. 2 were married on 30.06.2021. However, they have been living separately since 17.08.2021 on account of certain temperamental differences. It is noted that no child was born from the wedlock.

4. The present FIR came to be registered on 05.01.2022, on a complaint lodged by respondent No. 2. In the FIR, the husband, parents-in-law, and sister-in-law of respondent No. 2 were named as accused. A chargesheet has since been filed against the petitioners.

5. During the pendency of the proceedings arising out of the aforesaid FIR, the parties entered into an amicable settlement, by way of a Settlement Deed dated 08.08.2025. Pursuant thereto, the marriage between the parties has been dissolved by a decree of divorce by mutual consent passed by the learned Family Court on 24.11.2025.

6. The petitioners are present before this Court, and are identified by the learned counsel as well as by the Investigating Officer [“IO”]. Respondent No. 2 is also present in person, and has been identified by her learned counsel and the IO. Both parties affirm the factum of settlement and jointly seek quashing of the impugned FIR and all proceedings emanating therefrom.

7. 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.

8. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*<sup>1</sup> 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.”<sup>2</sup>*

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<sup>1</sup> (2012) 10 SCC 303.

<sup>2</sup> Emphasis supplied.



Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*<sup>3</sup>, 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:*

*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**

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<sup>3</sup> (2014) 6 SCC 466.



**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.”<sup>4</sup>*

9. In the present case, the dispute between the parties has its genesis in a matrimonial relationship, which has already culminated in a decree of divorce. Applying the tests laid down by the Supreme Court, it is evident that respondent No. 2 has unequivocally affirmed before this Court that the settlement has been entered into voluntarily, without any coercion or undue influence. In these circumstances, I am of the view that the continuation of the criminal proceedings is unlikely to culminate in a conviction, and would serve no useful purpose, while unnecessarily burdening the criminal justice system and expending public resources.

10. There is, therefore, no impediment to the grant of the relief sought.

11. Having regard to the above discussion, the petition is allowed, and proceedings arising out of FIR No. 0003/2022 dated 05.01.2022, lodged at Police Station Inder Puri, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

12. The petition stands disposed of in the above terms.

**PRATEEK JALAN, J**

**JANUARY 16, 2026/SS/SD/**

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<sup>4</sup> Emphasis supplied.