



\$~104

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

+ **CRL.M.C. 922/2026**

VISHWANATH SHARMA & ORS.Petitioners

Through: Mr. Rajeev Chhetri, Mr. Rajesh Chhetri, Mr. Sandip Munian, Ms. Sveta Khulbe, & Mr. Rakesh Kumar Jha, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.Respondents

Through: Ms. Manjeet Arya, APP for State with SI Ankit Sagar, PS Neb Sarai. R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

CRL.M.A. 3638/2026, CRL.M.A. 3639/2026 (for exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.M.C. 922/2026

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. 425/2021 dated 05.10.2021, registered at Police Station Neb Sarai, District South, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], on the ground of settlement.

2. The petitioners herein are the father, brother, and sister of



respondent No. 2's late husband, Mr. Rajesh Sharma.

3. The complainant was married to her husband on 03.05.2015. Her husband passed away on 15.07.2020. No child was born from the wedlock. Respondent No. 2 instituted proceedings before the Crime Against Women Cell on 07.10.2020, alleging cruelty, dowry demand, criminal intimidation, and non-return of stridhan against the present petitioners, on the basis of which the present FIR was registered on 05.10.2021 under Sections 498A/406/34 of the IPC.

4. A supplementary statement of respondent No. 2 was recorded under Section 161 of CrPC on 25.08.2024, wherein she stated that she has remarried and does not wish to pursue the case against the petitioners. In the final chargesheet filed on 14.12.2024, it was specifically recorded that respondent No. 2 had stated that she does not wish to pursue the matter and had sought closure of the case after her remarriage. A similar statement was recorded [in Criminal Case No. 325/2025] before the Judicial Magistrate First Class, Mahila Court, South District, Saket Courts, on 25.09.2025.

5. The parties have entered into a settlement recorded in a Memorandum of Understanding dated 20.01.2026. An affidavit has also been filed on behalf of Respondent No. 2, wherein she states that she has no objection to the subject FIR, along with all consequential proceedings arising therefrom, being quashed.

6. The petitioners are present in Court, and are identified by learned counsel and the Investigating Officer ["IO"]. Respondent No. 2, who is present in person, categorically declines the assistance of a legal aid counsel and is also identified by the IO. Although the settlement does not



provide for any monetary payment, respondent No. 2 states that she has remarried, is now resident in Bangalore, and does not wish to pursue the criminal proceedings or any other claim against her former husband's family.

6. Learned counsel for the petitioners and respondent No. 2, submit before the Court that the settlement has been arrived at voluntarily, without any coercion, pressure, or undue influence, and that continuation of the criminal proceedings would serve no useful purpose.

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

8. 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.

9. 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

¹ (2012) 10 SCC 303.



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:

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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

10. In the present case, the proceedings between the parties arise out of a matrimonial relationship. The complainant has affirmed that she has remarried and does not wish to pursue the criminal proceedings or raise any other claims against the family of her late husband, and continued

⁴ Emphasis supplied.



pendency of the case is likely to interfere with the peaceful conduct of her present matrimonial life. In these circumstances, the possibility of conviction is remote, and the continuation of the criminal proceedings would serve no meaningful purpose. Rather, it would amount to an empty formality, unnecessarily burdening the justice delivery system and leading to a waste of valuable judicial time and public resources.

11. Having regard to the foregoing discussion, the petition is allowed, and the proceedings arising out of FIR No. 425/2021 dated 05.10.2021, registered at Police Station Neb Sarai under Sections 498A/406/34 of the IPC, alongwith consequential proceedings emanating therefrom, are hereby quashed, subject to the petitioners' paying litigation and travel costs of Rs. 30,000/- to respondent No. 2 within a period of two weeks.

12. An affidavit of compliance be filed by the petitioners by 04.03.2026.

13. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026

'pv/JM'/'