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

+ CRL.M.C. 1105/2026

SH. LAKSHAY GUPTA AND ORS

.....Petitioners

Through: Mr. K.K. Gambhir, Advocate.

versus

THE STATE GOVT. OF NCT
OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for State
with SI Bharti Singh, PS Prashant
Vihar.

Mr. Paras Pathak, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.02.2026**

1. The petitioners have filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973) seeking quashing of FIR No. 165/2025 dated 27.03.2025, registered at Police Station Prashant Vihar under Sections 85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], alongwith all proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Paras Pathak, learned counsel, accepts notice on behalf of respondent No.2.
3. The petition is taken up for disposal with the consent of learned counsel for the parties.



4. The impugned FIR has been registered at the instance of respondent No. 2, who is the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents-in-law of respondent No. 2, and petitioner No. 4 is her brother-in-law.

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 01.02.2023. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 04.06.2024.

6. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, which culminated in the registration of the impugned FIR on 27.03.2025 against the petitioners herein.

7. Petitioner No. 1 filed a petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 against respondent No. 2 before the learned Family Court. During the said proceedings, the parties were referred to the Counselling Cell, Family Court, Karkardooma Courts, where, with the assistance of the counsellor and learned counsel, the disputes between the parties were amicably resolved. The settlement arrived at between the parties was recorded in a Settlement Deed dated 19.07.2025.

8. As per the terms of the settlement arrived at between the parties, petitioner No. 1 has agreed to pay a total sum of Rs. 15,00,000/- to respondent No. 2 towards full and final settlement of all her claims, including those relating to istridhan, dowry articles, maintenance, compensation, and permanent alimony, past, present, and future, arising out of the matrimonial relationship. The said amount is to be paid in instalments, with Rs. 5,00,000/- payable at the time of recording of statements in the first motion proceedings, Rs. 5,00,000/- at the time of



recording of statements in the second motion proceedings, and the remaining Rs. 5,00,000/- at the time of quashing of the subject FIR. The parties have further agreed to withdraw all pending proceedings against each other in terms of the settlement and undertake not to initiate any litigation or interfere in each other's lives in future.

9. Learned counsel appearing for the parties confirm that the settlement has been entered into voluntarily and without any coercion, undue influence, or pressure.

10. In view of the aforesaid facts and circumstances, the parties seek quashing of the impugned FIR and all proceedings emanating therefrom.

11. The petitioners are present, and are identified by their learned counsel, as well as by the Investigating Officer. Respondent No. 2 is also present in person, and is identified by her learned counsel and the IO.

12. The Settlement Deed also contemplated dissolution of the marriage by mutual consent. In pursuance thereof, the marriage between petitioner No. 1 and respondent No. 2 stands dissolved by a decree of divorce by mutual consent passed by the learned Judge, Family Court, South-West District, Dwarka Courts, Delhi, on 18.12.2025 in HMA No. 1829/2025.

13. Though the offence under Section 85 of BNS (corresponding to Section 498A of the Indian Penal Code, 1860) is non-compoundable, the Supreme Court has consistently held that, in appropriate cases, the High Courts may, in exercise of their inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), quash criminal proceedings even in respect of non-compoundable offences on the basis of a compromise between the accused and the complainant, particularly where



no overarching public interest is adversely affected.

14. 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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

15. In the present case, the dispute between the parties arises out of a matrimonial relationship, which has already been dissolved by a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has categorically affirmed the voluntary nature of the settlement before this Court. In these circumstances, the continuation of the criminal proceedings is unlikely to result in any conviction and would amount to an empty formality, unnecessarily burdening the justice system and consuming public resources.

16. The settlement contemplates the payment of a sum of Rs. 15,00,000/- to respondent No. 2, who has confirmed that the entire settlement amount has been received by her. In view of this, there is no impediment to the grant of the relief sought by the petitioners.

17. Having regard to the foregoing discussion, the petition is allowed, and FIR No. 165/2025 dated 27.03.2025, registered at Police Station Prashant Vihar under Sections 85/316(2)/3(5) of the BNS, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

19. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 9, 2026/‘pv’/SD/

⁴ Emphasis supplied.