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

+ **CRL.M.C. 1131/2026 & CRL.M.A. 4465/2026**

WASIL RAZA ANSARI & ORS.Petitioners

Through: **Ms. Kanchan Thapliyal, Advocate.**

versus

STATE NCT OF DELHI & ANR.Respondents

Through: **Ms. Manjeet Arya, APP with W/SI Nisha.**

Mr. Ruhul Amin, Advocate for R-2 with R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.02.2026

1. The petitioners have preferred 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 the quashing of FIR No. 254/2025 dated 31.03.2025, registered at Police Station Kalandi Kunj, New Delhi, under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], alongwith all consequential proceedings arising therefrom, on the ground that the parties have amicably settled the dispute.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor ["APP"], accepts notice on behalf of the State. Mr. Ruhul Amin, learned counsel, accepts notice on behalf of respondent No. 2.

3. The marriage between petitioner No. 1 and respondent No. 2 was



solemnised on 05.01.2008 according to Muslim customs and rites. Differences arose between the parties during the course of the marriage, resulting in their living separately from 05.08.2024. Three children were born out of the wedlock, namely, on 22.10.2008, 10.08.2011, and 20.03.2019. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1.

4. Subsequently, respondent No. 2 lodged a complaint before the Crime Against Women Cell against her husband, petitioner No. 1, and his parents, petitioner Nos. 2 and 3, on the basis of which the impugned FIR was registered on 31.03.2025. Thereafter, a chargesheet was filed, and Section 316(2) of BNS was added to the proceedings.

5. During the pendency of the proceedings, the parties amicably settled their disputes by executing a Memorandum of Settlement dated 27.01.2026. Pursuant to the settlement, the parties have agreed to resume cohabitation alongwith their minor children and to fulfil their matrimonial obligations.

6. In light of the foregoing settlement, the parties seek quashing of the impugned FIR and all consequential proceedings arising therefrom.

7. The petitioners are present and have been identified by their learned counsel as well as the Investigating Officer. Respondent No. 2 is also present and has been identified by her learned counsel and the Investigating Officer.

8. Learned counsel for the parties submit that pursuant to the settlement, the parties have reconciled and resumed living together. Respondent No. 2 affirms that the settlement was entered into voluntarily, without any coercion, undue influence, or misrepresentation, and that she has no objection to the quashing of the FIR and all consequential



proceedings arising therefrom.

9. Although an offence under Section 85 of the BNS (corresponding to Section 498A of the Indian Penal Code, 1860) is ordinarily non-compoundable, the Supreme Court has consistently held that, in appropriate circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], may quash criminal proceedings even in respect of non-compoundable offences where a mutual compromise has been amicably arrived at between the parties, particularly when such quashing does not impinge upon any overriding public interest.

10. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.*¹, which 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.*

¹ (2012) 10 SCC 303.



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 and Ors. v. State of Punjab and 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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

11. In the present case, the dispute between the parties arises out of a matrimonial relationship, which has since been amicably settled. As petitioner No. 1 and respondent No. 2 have reconciled and resumed cohabitation, the continuation of criminal proceedings would serve only to disrupt their marital life, and adversely affect the welfare of their minor children. In accordance with the principles laid down by the Supreme Court, it is significant that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to culminate in any conviction and would operate merely as a procedural formality, thereby imposing an undue burden on the justice system and diverting public resources without serving any legitimate judicial purpose.

12. In view of the foregoing discussion and having regard to the

⁴ Emphasis supplied.



settlement arrived at between the parties, the present petition is allowed. FIR No. 254/2025 dated 31.03.2025, registered at Police Station Kalandi Kunj, New Delhi, under Sections 85 and 3(5) of the BNS, together with all consequential proceedings arising therefrom, is hereby quashed.

13. The petition, alongwith pending application, stands disposed of.

14. It is, however, made clear that the settlement and the present order shall not, in any way, affect the rights of the minor children.

PRATEEK JALAN, J

FEBRUARY 10, 2026

“Bhupi”/SD/