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

+ **CRL.M.C. 1203/2026**

VINAY KUMAR & ORS.

.....Petitioners

Through: Mr. Pawan Kumar Jakhu,
Advocate with petitioners through
VC.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Hitesh Vali, APP. SI Rajesh,
PS-Palam Village.
Ms. Anjali Madhar, Advocate for
R-2 (R-2 through VC).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **12.02.2026**

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. 257/2023 dated 25.04.2023, registered at Police Station Palam Village, New Delhi, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground that the parties have amicably settled the dispute.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor ["APP"], accepts notice on behalf of the State. Ms. Anjali Madhar,



learned counsel, accepts notice on behalf of respondent No. 2.

3. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 18.05.2019 according to Hindu customs and rites. Petitioner Nos. 2 and 3 are the mother and sister of petitioner No. 1, respectively. No child has been born out of the wedlock. Differences arose between the parties during the course of the marriage, resulting in their living separately from 26.06.2019.

4. Subsequently, respondent No. 2 lodged the aforesaid FIR against the petitioners on 25.04.2023. It is noted that no chargesheet has been filed as yet.

5. During the pendency of the proceedings, the parties amicably resolved their disputes by executing a Memorandum of Settlement dated 28.05.2025, in terms whereof it was agreed that a total sum of Rs. 13,00,000/- shall be paid to respondent No. 2 towards full and final settlement of all her claims, including permanent alimony, stridhan, and maintenance (past, present, and future). The settlement provides for payment in four instalments: Rs. 1,00,000/- at the time of execution of the Memorandum of Settlement, Rs. 5,00,000/- 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. 2,00,000/- at the time of quashing of the aforesaid FIR before this Court.

6. The marriage between the parties was subsequently dissolved by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 on 16.01.2026 by the Family Court, South-West, Dwarka in HMA 136/2026.

7. In light of the aforesaid settlement, the parties seek quashing of the



impugned FIR and all consequential proceedings arising therefrom.

8. 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.

9. 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.

10. While an offence under Section 498-A IPC is ordinarily non-compoundable, the Supreme Court has consistently held that, in appropriate circumstances, High Courts, exercising their inherent 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 the parties have amicably settled their dispute, so long as such quashing does not compromise any overriding public interest.

11. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

12. In the present case, the dispute between the parties arises out of a matrimonial relationship, which has since been amicably resolved. Respondent No. 2 has expressly affirmed before this Court that the settlement was entered into voluntarily, without any coercion, undue influence, or misrepresentation. In these circumstances, the continuation of the criminal proceedings is unlikely to result in any conviction and would serve merely as a formal exercise, placing an unnecessary burden



on the justice system and diverting public resources without advancing any legitimate judicial purpose.

13. It is further recorded that the balance amount of Rs. 2,00,000/- payable under the settlement has been duly handed over to respondent No. 2 in Court by way of a demand draft. The settlement contemplates a total payment of Rs. 13,00,000/-, which respondent No. 2 has confirmed she has received in full. In light of this, and having regard to the voluntary and complete nature of the settlement, there exists no impediment to granting the relief sought.

14. In view of the foregoing discussion and having regard to the settlement arrived at between the parties, the present petition is allowed. FIR No. 257/2023 dated 25.04.2023, registered at Police Station Palam Village, New Delhi, under Sections 498-A/406/34 of IPC, together with all consequential proceedings arising therefrom, is hereby quashed.

15. Parties shall remain bound by the terms of the settlement.

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

PRATEEK JALAN, J

FEBRUARY 12, 2026

'Bhupi'/SD/

⁴ Emphasis supplied.