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

+ CRL.M.C. 1370/2026

KISHAN SINGH AND ORS.

.....Petitioners

Through: Mr. Ashutosh Bhardwaj, Mr.
Lakshay Tyagi & Mr. Akshay
Tyagi, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANR.....Respondents

Through: Mr. Hitesh Vali, APP for State.
SI Sumeet Ponia, PS Vivek Vihar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **18.02.2026**

CRL.M.A. 5505/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1370/2026

1. By way of the present petition, the petitioners seek quashing of the proceedings arising out of FIR No. 269/2012 dated 16.09.2012, registered at Police Station Vivek Vihar, Delhi, initially under Sections 306 and 34 of the Indian Penal Code, 1860 ["IPC"]. Section 498-A IPC was subsequently invoked and incorporated in the charge sheet dated 07.11.2012. The petitioners seek quashing of the aforesaid proceedings on the basis of a Compromise Deed dated 04.02.2026 entered into with respondent No. 2, who is the complainant and the brother of the deceased, the wife of petitioner No. 1.



2. Petitioner No. 1 and the deceased had two children, who are presently aged 17 and 15 years. Since the demise of their mother, the children have been in the custody of their maternal uncle, i.e., respondent No. 2. Under the terms of the Compromise Deed, it is contemplated that their custody shall now be handed over to petitioner No. 1.

3. It appears that the Compromise Deed was entered into without the intervention of a counsellor or of the Court. Consequently, the question as to whether the proposed arrangement subserves the best interests of the children has not been independently examined.

4. In these circumstances, the parties are referred to *Samadhan* – Delhi High Court Mediation and Conciliation Centre. They shall appear before the learned Mediator on 24.02.2026. The learned Mediator is requested to take the assistance of a counsellor, if so required, so that a properly considered and comprehensive settlement agreement, particularly with regard to the welfare and best interests of the children, may be placed before this Court.

5. At this stage, Mr. Hitesh Vali, learned Additional Public Prosecutor, places reliance upon a judgment of the Supreme Court in *Daxaben v. State of Gujarat* [(2022) 16 SCC 117] to contend that proceedings involving an offence under Section 306 of IPC ought not to be quashed on the basis of a settlement between the parties.

6. *Per contra*, Mr. Ashutosh Bhardwaj, learned counsel for the petitioners, submits that, this Court in *Vipin Suneja v. State (NCT of Delhi)* [2022 SCC OnLine Del 5224], has taken the view that, in appropriate circumstances, jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 may be exercised to quash proceedings under



Section 306 of the IPC.

7. In view of the aforesaid submissions, it is clarified that the said question is left open for consideration at the appropriate stage.

8. The petition is disposed of with the aforesaid directions, leaving it open to the parties to approach this Court afresh, if and when a settlement is arrived at.

PRATEEK JALAN, J

FEBRUARY 18, 2026

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