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

+ **CRL.M.C. 1605/2026**

VIJAY@ VIJAY SAHNI

.....Petitioner

Through: Mr. Gaurav Gulati, Advocate with
petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State
with SI Rohit PS Uttam Nagar
Respondent No.2 in person with
counsel (appearance not given)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.02.2026**

CRL.M.A. 6505/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1605/2026

1. The petitioner has 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. 952/2018 dated 11.10.2018, registered at Police Station Uttam Nagar, under Sections 498A/406 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.



2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioner is present in Court and has been identified by his learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and has been identified by her learned counsel and the Investigating Officer.

4. The petition is taken up for disposal with the consent of the learned counsel appearing for the parties.

5. The petitioner and respondent No. 2 were married on 13.12.2015 according to Hindu rites and ceremonies. On account of matrimonial discord and temperamental differences, the parties have been living separately since 27.01.2018. No children were born out of the marriage.

6. Respondent No. 2 lodged a formal complaint before the CAW Cell, which culminated in the registration of the impugned FIR against the petitioner.

7. Subsequently, a chargesheet was filed solely against petitioner. The other individuals named in the FIR, namely Sunita Devi and Ravi Sahni, were not charge-sheeted and were indicated in Column No. 12 of the chargesheet.

8. The parties have entered into a settlement, which has been reduced to writing in a Settlement Deed dated 17.09.2025. Under the settlement, the petitioner shall hand over the Registration Certificate and all relevant documents of his Royal Enfield Classic 350 motorcycle (colour Lagoon, Chassis No. ME3U3S5C1FM346876, Registration No. DL-11-SL-8844, valued at Rs. 1,00,000/- as of that day) to the complainant's brother and



shall cooperate in effecting the transfer of the vehicle's title in his name before the concerned RTO.

9. Learned counsel for the parties have confirmed that the settlement has been entered into voluntarily and without any coercion, undue influence, or pressure. Respondent No.2 has also indicated that she is satisfied with the terms thereof.

10. Pursuant to the settlement, the marriage between the parties has been dissolved by a decree of divorce by mutual consent, passed by the Family Court on 21.01.2026 in HMA No. 220/2026.

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

12. While the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that High Courts, in exercise of their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), may quash criminal proceedings even in respect of non-compoundable offences where a compromise has been reached between the complainant and the accused, particularly in cases where no overriding public interest is affected.

13. 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

14. In the present case, the dispute between the parties arises from a matrimonial relationship that has already been dissolved by a decree of divorce. In accordance with the tests laid down by the Supreme Court, it is noted that respondent No. 2 has unequivocally affirmed the voluntary



and consensual nature of the settlement before this Court. Respondent No.2 has also affirmed her satisfaction with the terms of settlement, which contemplated transfer of a Royal Enfield Classic 350 motorcycle by the petitioner. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would serve no purpose other than imposing an unnecessary burden on the justice system and consuming public resources.

15. It is further recorded that the petitioner has today handed over the Registration Certificate and all relevant documents of the aforesaid motorcycle to respondent No. 2 in Court. Consequently, there is no obstacle to the grant of the relief sought in this petition.

16. In view of the foregoing discussion, the petition is allowed. FIR No. 952/2018, dated 11.10.2018, registered at Police Station Uttam Nagar under Sections 498A and 406 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

17. The parties shall remain bound by the terms of the settlement.

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 27, 2026

‘SV’/SD/

⁴ Emphasis supplied.