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

+ CRL.M.C. 1968/2026

ANAND @ ANAND KUMAR & ANR.

.....Petitioner

Through: Mr. Vijender Kumar, Advocate.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Hitesh Vali, APP. SI Amisha
Kumari, PS-SJ Enclave.

Mr. Pawan Kumar, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.03.2026

1. The present petition has been instituted by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding to Section 482 of the Code of Criminal Procedure, 1973], seeking the quashing of FIR No. 199/2018 dated 09.08.2018, registered at Police Station Safdarjung Enclave, Delhi, under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom. The petition is premised on an amicable settlement arrived at between the parties.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, enters appearance and accepts notice on behalf of the State. Mr. Pawan Kumar, learned counsel, accepts notice on behalf of



respondent No. 2.

3. The petitioners are present before the Court and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and has been duly identified by the Investigating Officer.

4. With the consent of learned counsel for the petitioners and respondent No. 2, who is present in person, the petition is taken up for final disposal.

5. The impugned FIR was registered at the instance of respondent No. 2, who is the wife of petitioner No. 1, while petitioner No. 2 is the elder brother of petitioner No. 1. It is further noted that cognizance has been taken on the chargesheet only against petitioner No. 1. Certain allegations were also made against the mother of petitioner No. 1; however, she passed away on 13.10.2022, and the proceedings against her accordingly stand abated.

6. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 16.02.2010 in accordance with Hindu rites and ceremonies, and one child was born out of the said wedlock on 12.01.2011. However, owing to certain temperamental differences, the parties have been living separately since 13.01.2018.

7. Respondent No. 2 lodged the FIR against the petitioners on 09.08.2018. Subsequently, the parties amicably resolved their matrimonial disputes by entering into a Settlement Deed dated 21.11.2020, executed under the aegis of the Mediation Centre, Saket Courts, New Delhi.

8. Prior to entering into the settlement, the parties have reconciled and



have been residing together in the matrimonial home since 12.11.2020. Respondent No. 2, who is present in person, submits that she has reconciled with petitioner No. 1 and that no grievances now subsist between them.

9. Learned counsel for the parties submit that the settlement was arrived at voluntarily and without any coercion, undue influence, or pressure. In light of the foregoing, the parties jointly seek the quashing of the impugned FIR.

10. Although the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that, in appropriate cases, High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, even in respect of non-compoundable offences, where a settlement has been reached between the accused and the complainant, provided that such quashing does not adversely affect any overriding public interest.

11. 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

¹ (2012) 10 SCC 303.



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 to follow when considering settlement deeds between parties and quashing criminal proceedings. The relevant observations in the said judgment are as follows:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 now stands amicably resolved. Petitioner No. 1 and respondent No. 2 have reconciled and have been residing together for over five years. In such circumstances, the continuation of

⁴ Emphasis supplied.



the criminal proceedings would be detrimental to their marital life and may also adversely impact the welfare of their minor child.

13. In consonance with the principles laid down by the Supreme Court, respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily, without any coercion or undue influence. In view thereof, the continuation of the criminal proceedings is unlikely to result in a conviction and would merely amount to a procedural formality, placing an unnecessary burden on the justice system and diverting valuable judicial resources without serving any legitimate purpose.

14. In view of the foregoing, the present petition is allowed. Consequently, FIR No. 199/2018 dated 09.08.2018, registered at Police Station Safdarjung Enclave, Delhi under Sections 498A, 406, and 34 of the IPC, along with all proceedings arising therefrom, is hereby quashed.

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

16. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 18, 2026

“Bhupi”/SD/