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

+ **CRL.M.C. 2065/2026 & CRL.M.A. 8535/2026**

YASH AHUJA & ORS.

.....Petitioner

Through: Mr. Khushal Singh, Advocate.
[M:-7838790822]

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Hitesh Vali, APP for State.
Mr. Himanshu Bajaj, Mr. Raj
Kumar, Ms. Sandhya Bajaj, Ms.
Chanchal Sharma, Advocates for
R-2 alongwith R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **20.03.2026**

1. The present petition has been filed 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 quashing of FIR No. 143/2024 dated 30.05.2024, registered at Police Station Chitranjan Park under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom, on the basis of a settlement arrived at between the parties.

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



3. The petitioners are present in 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 her learned counsel and the Investigating Officer.
4. The petition is taken up for hearing with the consent of learned counsel for the parties.
5. The present FIR was registered on 30.05.2024 at the instance of respondent No. 2 against the petitioners. Petitioner No.1 is her husband and petitioner Nos. 2 and 3 are the father-in-law and mother-in-law of respondent No. 2, respectively. Petitioner No. 4 is her sister-in-law, while petitioner No. 5 is her brother-in-law.
6. Petitioner No. 1 and respondent No. 2 were married on 15.01.2005, in accordance with Hindu rites and ceremonies. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 23.04.2024. Two children were born out of the wedlock on 06.08.2008 and 29.07.2012, respectively.
7. A chargesheet was subsequently filed on 15.08.2024, pursuant to which charges under Sections 354 and 377 of IPC were also added.
8. During the pendency of the proceedings, the parties entered into a settlement, which was duly recorded in a Settlement Deed dated 29.08.2024. In terms of the said settlement, petitioner No. 1 agreed to pay a total sum of Rs.40,00,000 to respondent No. 2 as a one-time settlement amount, out of which Rs.20,00,000 was to be paid at the time second motion before the Family Court, and the remaining at the time of quashing of the impugned FIR. The remaining amount of Rs.20,00,000 has been handed over to respondent No. 2 in Court today.



9. It was further agreed that respondent No. 2 would transfer the balance amount of Rs. 5,46,710 lying in a joint account held in her name and that of her daughter in any of her personal account. The parties also agreed that the stridhan articles would be handed over immediately upon the execution of the agreement, while the gifts given by the grandparents to the minor children would be returned at the time of signing of the agreement.

10. As regards the custody of minor children, the custody, maintenance, and overall responsibility of the two minor children is agreed to vest exclusively with petitioner No. 1. Respondent No. 2 has been granted visitation rights to meet the children once every fifteen days at a public place, subject to the prior permission of petitioner No. 1.

11. Pursuant to the aforesaid settlement, the marriage between the parties stood dissolved by a decree of divorce by mutual consent dated 13.01.2026.

12. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

13. It is well settled by the Supreme Court that the High Courts, in exercise of their powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), may, in appropriate cases, quash criminal proceedings even in respect of non-compoundable offences on the basis of a settlement between the accused and the complainant, particularly where no overarching public interest is adversely affected.



14. 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 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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

15. In the present case, the proceedings emanate from a matrimonial relationship which has already culminated in a decree of divorce. It appears that the allegations under various provisions arose in the wake of the underlying matrimonial dispute between the parties. Applying the principles laid down by the Supreme Court, it is evident that respondent No. 2 has unequivocally affirmed before this Court that the settlement has been entered into voluntarily and without any coercion. In view of these circumstances, the likelihood of conviction is remote, and the continuation of the criminal proceedings would serve no meaningful purpose, while unnecessarily burdening the judicial system and consuming valuable public resources.

16. The terms of settlement have also been implemented by grant of a decree of divorce, and compliance with other reciprocal obligations of the parties.

17. In view of the foregoing discussion, the present petition is allowed, and FIR No. 143/2024 dated 30.05.2024, registered at Police Station Chitranjan Park under Sections 498A/406/34 of the Indian Penal Code, 1860, along with all consequential proceedings arising therefrom, is hereby quashed.

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

19. The two children born out of the wedlock are presently aged 13 and 17 years and are, therefore, minors. They are currently in the custody of

⁴ Emphasis supplied.



their father. It is clarified that the present order shall not, in any manner, affect the rights of the minor children.

20. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 20, 2026

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