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

+ CRL.M.C. 2269/2026
AMRENDER SINGH

.....Petitioner

Through: Mr. Yogesh Kumar, Advocate with
petitioner in person.

versus

THE STATE GOVT. OF NCT
OF DELHI AND ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP with SI
Rajesh Kumar, PS: Nihar Vihar.
R-2 present in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.03.2026

CRL.M.A. 9282/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2269/2026

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], which corresponds to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"], seeking the quashing of FIR No. 784/2016, dated 09.10.2016, registered at Police Station Nihar Vihar under Sections 323 and 377 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom, on the ground that the matter has been amicably settled.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public



Prosecutor, accepts notice on behalf of the State. Respondent No.2 is present in person and declines the assistance of counsel.

3. The petitioner is present in court and is identified by the learned counsel and the Investigating Officer. Respondent No.2 is also present in person and is identified by the Investigating Officer.

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

5. Respondent No.2, who was the petitioner's wife, had lodged a formal complaint with the Crime Against Women Cell, which resulted in the registration of the impugned FIR against the petitioner on 04.10.2016. Subsequently, a chargesheet has been filed in connection with the said FIR.

6. The petitioner and respondent No.2 were married on 22.11.2015, according to Hindu rites and ceremonies. Owing to matrimonial discord and temperamental differences, they have been living separately since 18.09.2016, and no child has been born out of the wedlock.

7. The parties have amicably resolved their disputes through a Settlement Deed dated 28.01.2020, under which the petitioner agreed to pay Rs. 7,00,000 to respondent No.2 as full and final settlement for *istridhan*, dowry, past, present, and future maintenance, and permanent alimony. Of this amount, Rs. 3,00,000 was paid at the first motion and Rs. 2,00,000 at the second motion during the mutual divorce proceedings, with the remaining Rs. 2,00,000 handed over to respondent No.2 in Court today.

8. Respondent No.2 has clarified that the allegations under Sections 323 and 377 IPC were made due to a misunderstanding arising from



matrimonial discord and differences of temperament. She has further affirmed that she does not wish to pursue any proceedings against the petitioner.

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

10. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent, granted by the Family Court on 18.06.2021.

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

12. The Supreme Court has consistently held that, in appropriate cases, the 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 the parties have amicably settled their disputes, particularly when such quashing would not adversely affect any overriding public interest.

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 seriously endangers and threatens the well-being of the society and it is

¹ (2012) 10 SCC 303.



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 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

14. In the present case, the dispute between the parties arises out of a matrimonial relationship, which has since culminated in a decree of divorce by mutual consent. Applying the principles enunciated by the Supreme Court, it is evident that respondent No.2 has unequivocally

⁴ Emphasis supplied.



affirmed before this Court that the settlement has been entered into voluntarily, without any coercion or undue influence. She has further stated that the allegations under Sections 323 and 377 IPC arose out of a misunderstanding in the course of matrimonial discord and do not survive in light of the amicable resolution between the parties. In such circumstances, the possibility of conviction appears remote and bleak, and the continuation of the criminal proceedings would serve no meaningful purpose, amounting merely to an empty formality and resulting in an unnecessary burden on the judicial system.

15. The terms of settlement contemplate the payment of a total sum of Rs. 7,00,000/- to respondent No.2, who has confirmed that the entire settled amount has been duly received. In view thereof, no legal impediment subsists to the grant of the relief sought.

16. In view of the foregoing, the present petition is allowed, and FIR No. 784/2016 dated 09.10.2016, registered at Police Station Nihal Vihar under Sections 323 and 377 of the IPC, along with 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

MARCH 27, 2026

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