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

+ **W.P.(CRL) 998/2026, CRL.M.A. 9420/2026**

ASHOK MAHAJAN @ HUNNY & ORS.Petitioner

Through: Mr.C.M.Grover Advocate for P-1
Ms.Kashish Dhawan and Ms.Payal
Budhiraja, Advocate for P-2 & 3

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr.Sanjay Lao, Standing Counsel
for State
Mr.C.S.Arora, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **30.03.2026**

CRL.M.A. 9420/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 998/2026

1. The petitioners have filed the present petition under Article 226 of the Constitution of India read with 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. 423/2025 dated 02.11.2025, registered at Police Station Geeta Colony under Sections 85/316/3(5) of the Bharatiya Nyaya Sanhita ["BNS"], and all proceedings emanating therefrom, on the ground of



amicable settlement arrived at between the parties.

2. Issue notice. Mr. Sanjay Lao, learned Standing Counsel, accepts notice on behalf of the State. Mr. C.S.Arora, learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioners are present in Court and have been 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 disposal with the consent of learned counsel for the parties.

5. Petitioner No. 1 and respondent No. 2 were married on 02.12.2024 in accordance with Hindu rites and ceremonies. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 06.02.2025. One daughter was born out of the wedlock on 27.08.2025.

6. The impugned FIR has been registered at the instance of respondent No. 2, who is the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the father-in-law and mother-in-law of respondent No. 2, respectively.

7. Respondent No. 2 lodged a complaint before the Crime Against Women Cell, which culminated in the registration of the impugned FIR dated 02.11.2025 against the petitioners.

8. The parties have entered into a settlement, recorded in a Settlement Deed dated 27.02.2026, whereby it has been agreed that petitioner No. 1 shall pay a total sum of Rs.75,00,000 to respondent No. 2 as full and final settlement of all claims, including past, present, and future alimony,



stridhan, maintenance, movable and immovable property, as well as expenses pertaining to the minor daughter. The amount is to be paid in tranches, with Rs.32,50,000 payable at the time of recording of statements in the first motion petition under the Hindu Marriage Act, 1955 [“HMA”]; thereafter, respondent No. 2 shall open and operate a bank account in the name of the minor daughter; a further sum of Rs.32,50,000 shall be paid at the time of recording of statements in the second motion petition under the HMA in the name of the minor daughter; and the balance amount of Rs.10,00,000 shall be paid at the time of quashing of the subject FIR, also in the name of the minor daughter, to be kept in a fixed deposit without premature withdrawal until she attains majority.

9. It is further agreed that the custody of the minor daughter shall remain with respondent No. 2, who shall be her sole guardian for all intents and purposes, and petitioner No. 1 shall not claim any custody rights.

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

11. Pursuant to the settlement, the marriage between the parties has been dissolved by a decree of divorce by mutual consent dated 19.03.2026, passed by the Family Court, Karkardooma Courts, in HMA No. 523/2026.

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

13. Although the offence under Section 85 of the BNS (corresponding to Section 498A of the IPC) is non-compoundable, the Supreme Court



has consistently held that High Courts, in the exercise of their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), 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 such quashing does not adversely affect any overarching public interest.

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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 dispute between the parties arises out of a matrimonial relationship, which has already been brought to an end by a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has unequivocally affirmed before this Court that the settlement has been entered into voluntarily. In view of the same, the likelihood of the criminal proceedings resulting in a conviction is remote, and their continuation would serve no meaningful purpose, while unnecessarily burdening the justice system and consuming judicial resources.

16. It is further noted that a cheque of Rs.10,00,000 has been handed over by petitioner No. 1 to respondent No. 2 in Court today. The settlement envisages a total payment of Rs.75,00,000, and respondent No. 2 confirms that the entire settlement amount has been received by her. There is, therefore, no impediment to the grant of the relief sought.

17. In view of the foregoing, the present petition is allowed, and FIR No. 423/2025 dated 02.11.2025, registered at Police Station Geeta Colony under Sections 85/316/3(5) of the BNS, alongwith all



consequential proceedings arising therefrom, is hereby quashed.

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

19. The petition accordingly stands disposed of.

20. It is, however, clarified that the settlement and the present order shall not, in any manner, affect the rights of the minor child, whose custody shall continue to remain with respondent No. 2.

PRATEEK JALAN, J

MARCH 30, 2026

‘sv’/SD/

⁴ Emphasis supplied.