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

+ CRL.M.C. 2369/2026 and CRL.M.A. 9634/2026

SUMIT TAKKAR AND ORS

.....Petitioner

Through: Mr. Varun Jain, Advocate

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP with SI
Brij Mohan, PS Sabzi Mandi and
ASI Devender

Ms. Jyoti Pareek, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.03.2026

CRL.M.A. 9634/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2369/2026

1. The petitioners have 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. 235/2019 dated 08.10.2019, registered at Police Station Subzi Mandi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement arrived at between the parties.



2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Jyoti Pareek, 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 25.08.2013 in accordance with Hindu rites and ceremonies. However, owing to matrimonial discord and temperamental differences, the parties have been living separately since 19.03.2019. One daughter was born out of the wedlock on 20.01.2015.
6. Respondent No. 2 lodged a complaint before the Crime Against Women Cell on 25.02.2019, which culminated in the registration of the impugned FIR dated 08.10.2019 against the petitioners. The FIR was registered at the instance of respondent No. 2, who was the wife of petitioner No. 1. Petitioner No. 2 is the brother-in-law, petitioner No. 3 is the father-in-law, and petitioner No. 4 is the sister-in-law of respondent No. 2.
7. A chargesheet has been filed, and during the pendency of the proceedings, the mother-in-law of respondent No. 2 passed away on 20.08.2020; accordingly, the proceedings against her stood abated.
8. The parties have entered into a settlement, recorded in a Settlement Deed dated 16.12.2023, whereby petitioner No. 1 agreed to pay a total



sum of Rs. 5,00,000/- to respondent No. 2 towards full and final settlement of all claims, including dowry articles, stridhan, alimony, and maintenance (past, present, and future). The payment was agreed to be made in the manner being, Rs.2,00,000/- at the time of recording of statements in the first motion under 13B(1) of Hindu Marriage Act, 1955 [“HMA”], Rs.2,00,000/- at the time of recording of statements in the second motion under 13B(2) of HMA, and Rs.1,00,000 at the time of quashing of the present FIR. It is submitted that petitioner No. 1 has already paid Rs.4,00,000/-, and a cheque of Rs.1,00,000/- has been handed over to respondent No. 2 in Court today.

9. Although the Settlement Deed records that the custody of the minor child is “*not disputed*”, learned counsel for the parties, upon instructions from petitioner No. 1 and respondent No. 2, submit that the minor child remains in the custody of respondent No. 2.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and 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 25.09.2024, passed by the Family Court, Tis Hazari Court, in HMA No. 1457/2024.

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

13. Despite the offence under Section 498A of the IPC being non-compoundable, the Supreme Court has recognized that High Courts, while exercising their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), are competent to quash



criminal proceedings in appropriate cases on the basis of a compromise between the parties, particularly where such quashing does not adversely impact any larger 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 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.



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 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

³ (2014) 6 SCC 466.



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 culminated in a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In these circumstances, the possibility of the criminal proceedings resulting in a conviction is remote, and their continuation would serve no useful purpose, while unnecessarily burdening the judicial system and consuming public resources.

16. The settlement contemplates payment of a total sum of Rs. 5,00,000/- to respondent No. 2, who states 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. 235/2019 dated 08.10.2019, registered at Police Station Subzi Mandi under Sections 498A/406/34 of the IPC, along with 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.

MARCH 30, 2026
'SV'/SD/

PRATEEK JALAN, J

⁴ Emphasis supplied.