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

+ CRL.M.C. 2498/2026 & CRL.M.A. 10173/2026

SUSHIL KUMAR MITTAL & ORS.Petitioner

Through: Mr. Jatin Rana, Advocate

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Hitesh Vali, APP.

SI Rajat, PS: Vijay Vihar.

Mr. Bhaunesh Dalal, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.04.2026**

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 the quashing of FIR No. 119/2024, dated 02.03.2024, registered at Police Station Vijay Vihar under Sections 498A, 406, and 34 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. Mr. Bhaunesh Dalal, learned counsel, accepts notice on behalf of respondent No.2.
3. Out of the 9 petitioners, 7 are physically present in Court, while the remaining 2 are present via video conference. All petitioners 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. The marriage of respondent No.2 with her husband was solemnized on 18.11.2010, and 5 children were born from the wedlock. Her husband died on 03.06.2023.

6. Petitioner Nos. 1 and 3 are the father-in-law and mother-in-law of respondent No. 2, respectively. Petitioner Nos. 2, 4, 5, 6, 7, and 9 are the siblings of her late husband, while petitioner No. 8 is his maternal uncle.

7. Following the death of her husband on 03.06.2023, certain disputes arose between respondent No. 2 and her late husband's family, the petitioners herein. Pursuant thereto, she lodged a formal complaint with the Crime Against Women Cell, which ultimately led to the registration of the impugned FIR against the petitioners on 02.03.2024.

8. Thereafter, on 18.03.2024, respondent No. 2 filed a petition under Sections 19 and 22 of the Hindu Adoptions and Maintenance Act, 1956 before the Family Court at Rohini, seeking maintenance for herself and her minor children.

9. Subsequently, a chargesheet was filed on 12.05.2024 against the present petitioners, during which charges under Sections 354 and 506 of the IPC were added against petitioner No. 9 and petitioner No. 8, respectively.

10. During the pendency of the proceedings, the parties have entered into a Settlement Agreement dated 12.12.2025 before the Delhi



Mediation Centre, Rohini District Courts. In terms of the settlement, the petitioners have agreed to pay a sum of Rs. 12,000/- per month towards maintenance for respondent No. 2 and her children, with a provision for periodical enhancement of 10% every three years, alongwith other agreed terms relating to property rights and specified visitation rights.

11. I am informed that pursuant to the said settlement, the petitioners have already commenced compliance by making the first payment of Rs. 12,000/- to respondent No. 2 on 05.03.2026.

12. Learned counsel for the parties have confirmed that the settlement was entered into voluntarily and without any coercion or undue influence.

13. It is further submitted by respondent No. 2 that the allegation under Section 354 against petitioner No. 9 arose from a misunderstanding.

14. Mr. Jatin Rana, learned counsel for the petitioners, submits, on instructions from the petitioners who are present in Court, that they accept joint and several responsibility for ensuring the aforesaid payments and acknowledge that, in the event of default, they shall be liable to face appropriate legal proceedings, including contempt of Court.

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

16. The Supreme Court has held that, in appropriate circumstances, High Courts may, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings, including those relating to non-compoundable offences, where a compromise has been reached between the accused and the complainant, particularly when such quashing does not prejudice any overriding public interest.



17. 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

18. In the present case, the disputes arose following the death of respondent No. 2’s husband and pertain to matters between her and her late husband’s family. During the pendency of the proceedings, the parties have entered into a comprehensive and voluntary settlement, under which the petitioners have undertaken to provide regular maintenance to respondent No. 2 and her minor children, with provisions for periodic enhancement, and have already commenced compliance thereof. Learned counsel for the parties have confirmed that the settlement was arrived at freely, without any coercion or undue influence, and certain allegations, including that under Section 354 IPC against petitioner No. 9, have been clarified to have arisen from a misunderstanding.

19. Applying the tests laid down by the Supreme Court, it is clear that the settlement reached between the parties is voluntary and *bona fide*, as has been categorically affirmed by respondent No. 2 before the Court. In light of these circumstances, the criminal proceedings are unlikely to result in conviction, and their continuation would amount to a mere formalistic exercise, imposing unnecessary burdens on both the parties and the judicial system, while consuming public resources without furthering justice or safeguarding any overriding public interest.

20. There is, therefore, no impediment to the grant of the relief sought.

21. Having regard to the aforesaid, the petition is allowed, and FIR No.

⁴ Emphasis supplied.



119/2024 dated 02.03.2024, registered at Police Station Vijay Vihar, under Section 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

23. The petition accordingly stands disposed of.

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

PRATEEK JALAN, J

APRIL 6, 2026

SS/SD/