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

\# **CNR No. DLHC010134462026**

\+ CRL.M.C. 2524/2026 & CRL.M.A. 10250/2026

VIJAY SHARMA & ORS. .....Petitioners

Through: Mr. Deepak Aggarwal, Advocate.

versus

STATE GOVT OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Tarang Srivastav, APP for State.
Mr. Md. Sarfaraz, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 03.11.2026

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] seeks quashing of FIR No. 732/2021 dated 25th December, 2021, registered under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"] at P.S. Govind Puri, and all proceedings emanating therefrom.

2. Petitioner No. 1 is the husband while Petitioners No. 2 & 3 are the in-laws of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 26th February, 2007, as per Hindu rites and ceremonies. The parties have two children from the marriage. Owing to matrimonial discord and temperamental differences, the relationship between the parties deteriorated and they started living separately.

3. Subsequently, Respondent No. 2 lodged a complaint against the Petitioners, alleging that she was subject to cruelty, which later culminated

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into the subject FIR. Pursuant to investigation, a chargesheet was filed under the same sections.

4. The parties, of their own free will and without any pressure, coercion or undue influence, have amicably resolved their disputes before the Mediation Centre, Saket Courts, New Delhi. The parties have executed a Mediation Settlement dated 7th August, 2023, whereby they agreed to part ways and dissolve their marriage by mutual consent. Respondent No. 2 has agreed not to claim any monetary settlement towards maintenance, permanent alimony or *istridhan*. The parties have further agreed to withdraw their respective proceedings pending before various *fora*. Pursuant to the settlement, the marriage between Petitioner No. 1 and Respondent No. 2 stood dissolved by a decree of divorce by mutual consent dated 13th October, 2023, passed by the Family Court, South-East District, Saket Courts, New Delhi, in HMA No. 3020/2023.

5. Respondent No. 2, who joins through Video Conferencing, duly identified by the IO, confirms the settlement arrived at between the parties. She states that she is aware of her legal entitlement to claim maintenance but has voluntarily agreed not to seek any monetary settlement from the Petitioners. She further confirms that the parties have already obtained a decree of divorce by mutual consent and that she does not wish to pursue the present proceedings any further. She has no objection to the quashing of the subject FIR.

6. The Court has considered the aforesaid facts and submissions. Notably, the offence under Sections 498A IPC is non-compoundable, while the offence under Sections 406 IPC is compoundable in certain cases.

7. It is well settled that the power of the High Court under Section 482

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CrPC [corresponding to Section 528 BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 CrPC. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution, having regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***[1], the Supreme Court held that criminal cases having an overwhelmingly and predominantly civil character, particularly those arising out of matrimonial relationships or family disputes, stand on a distinct footing where the parties have resolved their entire disputes. The Court further held that, in such cases, the High Court may quash the proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak, and continuation of the criminal proceedings would serve no useful purpose. These principles have similarly been reiterated in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. v. State of Gujarat & Anr***[2]**.**

8. Considering the nature of the dispute, the amicable settlement arrived at between the parties, the fact that the parties have acted upon the settlement and obtained a decree of divorce by mutual consent, and the categorical no objection expressed by Respondent No. 2 to the quashing of the subject FIR, this Court is of the opinion that the present case is a fit case for exercise of jurisdiction under Section 528 BNSS. Continuation of the criminal proceedings would serve no useful purpose and would only amount to an abuse of the process of the Court.

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[1] (2014) 6 SCC 466.
[2] (2017) 9 SCC 641.

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9. Accordingly, FIR No. 732/2021 dated 25th December, 2021, registered under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"] at P.S. Govind Puri, and all proceedings emanating therefrom, are hereby quashed.

10. The parties shall abide by the terms of settlement.

11. It is clarified that the settlement shall not impact the rights of the minor children.

12. The present petition is disposed of in the aforesaid terms. Pending application(s), if any, shall also stand disposed of.

SANJEEV NARULA, J

NOVEMBER 3, 2026/*hc*

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