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

+ **CRL.M.C. 2595/2026**

KAMLA DEVI & ANR.

.....Petitioners

Through: Mr. Prem Kishor Sharma & Ms.
Babita Sharma, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State.
SI Shivpal Singh & ASI Jasveer
Singh, PS Punjabi Bagh.
Mr. Nikhil Kataria & Mr. Mohit
Tyagi, Advocates for R-2
alongwith R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.04.2026

CRL.M.A. 10562/2026(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2595/2026

1. The petitioners have filed the present 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. 225/2023 dated 09.05.2023, registered at Police Station Punjabi Bagh, District West, New Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all



proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Nikhil Kataria, learned counsel, accepts notice on behalf of respondent No. 2.

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

4. The present FIR has been registered at the instance of respondent No. 2, who was the wife of petitioner No. 2. Petitioner No. 1 is the mother of petitioner No. 2.

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 17.05.2011, as per Hindu rites and ceremonies. On account of matrimonial discord and differences of temperament, the parties have been living separately since 2022. One female child was born from the wedlock on 08.11.2014, whose custody remains with the petitioners.

6. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, Kirti Nagar, Delhi, on 03.06.2022, against the petitioners alleging physical and mental cruelty and misappropriation of stridhan, on the basis of which the subject FIR was registered on 09.05.2023. Upon completion of investigation, a chargesheet was filed on 22.05.2024.

7. During the pendency of the proceedings, the parties entered into a settlement dated 23.07.2025 under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, New Delhi. The settlement contemplates payment of a total sum of Rs.5,00,000/- to respondent No. 2, towards full and final settlement of all claims, of which Rs. 1,50,000 was to be paid at



the time of quashing of the subject FIR. The custody of the minor child was to remain with the petitioners, with visitation rights granted to respondent No. 2 once a month.

8. Pursuant to the settlement, the marriage between petitioner No. 2 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent, passed by the Family Court in HMA No. 243/2026 on 11.02.2026.

9. In light of the aforesaid, the parties seek quashing of the impugned FIR and consequential proceedings emanating therefrom.

10. The petitioners are present in Court and are identified by their learned counsel as well as by the Investigating Officer ["IO"]. Respondent No. 2 is also present in person and is identified by her learned counsel and the IO.

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

12. While the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has held that, in appropriate circumstances, High Courts may exercise their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, even in relation to non-compoundable offences, where a compromise has been reached between the accused and the complainant, particularly when such quashing does not prejudice any larger 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 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:

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



“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

14. In the present case, the criminal proceedings arise out of a matrimonial relationship that has already been dissolved by a decree of divorce. Applying the principles laid down by the Supreme Court, respondent No. 2 has unequivocally stated before this Court that the Settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to lead to a conviction and would merely serve as a procedural formality, thereby imposing an unnecessary burden on the justice system and diverting valuable judicial resources without serving any meaningful purpose.

15. The settlement contemplates payment of Rs.5,00,000/- to be made to respondent No. 2 by the petitioners. Respondent No. 2 confirms before the Court that a sum of Rs. 3,50,000/- has already been paid to her. The balance amount of Rs. 1,50,000/- is handed over to respondent No. 2 in Court today. There is, therefore, no impediment to the grant of the relief sought.

16. In view of the foregoing, the petition is allowed, and FIR No. 225/2023 dated 09.05.2023, registered at Police Station Punjabi Bagh, District West, New Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. It is, however, clarified that the settlement and the present order

⁴ Emphasis supplied.



shall not, in any manner, affect the rights of the minor child, whose custody shall continue to remain with the petitioners.

19. The petition, alongwith the pending application, accordingly stands disposed of.

APRIL 7, 2026
'pv/JM'/

PRATEEK JALAN, J