



\$~83-q

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

+ **CRL.M.C. 2803/2026, CRL.M.A. 11346/2026**

NIHARIKA

.....Petitioner

Through: Ms. Vandana Kaushal Mohanty,
Mr. Arun, Mr. Aakash & Mr. Sahil
Sharma, Advocates alongwith
Petitioner in Person.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
SI Anil, PS Seemapuri.
Mr. Hitesh Sachar & Ms. Deeksha
Kingrani, Advocates for R-2
alongwith R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

15.04.2026

1. The petitioner has 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. 1222/2014, dated 27.08.2014, registered at Police Station Seemapuri, District North East, Delhi under Sections 324/341/506 of the Indian Penal Code, 1860 ["IPC"], and all consequential proceedings emanating therefrom, on the ground of settlement.

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



3. The petition is taken up for disposal with the consent of the parties.
4. The impugned FIR is registered at the instance of respondent No.2, who was the husband of the petitioner.
5. The petitioner and respondent No. 2 were married on 02.12.2009, as per Hindu rites and ceremonies. One female child was born from the wedlock on 26.01.2013. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 24.08.2014.
6. Respondent No. 2 lodged a complaint alleging that on 24.08.2014, an altercation took place between the petitioner and respondent No. 2, during which the petitioner abused and assaulted him with a sharp object. Thereafter, respondent No. 2 went to Guru Teg Bahadur ["GTB"] Hospital for medical treatment. As per the Medico-Legal Case ["MLC"], the injuries sustained by respondent No. 2 were noted as incised wounds on the forearm and near the wrist. The said injuries were opined to be simple in nature by the attending doctors. Based on the said complaint and the MLC, the subject FIR was registered on 27.08.2014.
7. Upon completion of investigation, a chargesheet was filed and the offence under Section 326 of the IPC was added, as the injuries of respondent No.2 were later classified as grievous in the opinion of the Orthopedic Department of the GTB Hospital. On 25.03.2021, charges under Sections 326/341/506 of the IPC were framed by the Magistrate's Court against the petitioner.
8. I am informed by learned counsel for the parties that, apart from the present proceedings, certain criminal proceedings, including those arising out of FIR No. 1221/2014 under Sections 323/341 of the IPC, as



well as proceedings under the Protection of Women from Domestic Violence Act, 2005, which were instituted at the instance of the petitioner against respondent No. 2.

9. The parties were referred to Delhi Mediation Centre, Karkardooma Courts, by the Family Court, District Shahdara, Karkardooma Courts, where they arrived at an amicable settlement dated 07.08.2025. In terms of the said settlement, the parties agreed to dissolve their marriage by mutual consent under Section 13B of the Hindu Marriage Act, 1955, and respondent No. 2 agreed to pay a total sum of Rs. 50,00,000/- to the petitioner towards full and final settlement of all claims, including maintenance, permanent alimony and stridhan. It was further agreed that all pending litigations between the parties shall be withdrawn/settled, and that the petitioner shall file a petition for quashing of the present FIR, with the respondent No. 2 undertaking to cooperate and having no objection to the same. The parties have further agreed that no claims shall survive *inter se* and that they shall not initiate any future litigation arising out of the matrimonial relationship.

10. Pursuant to the settlement, the marriage has been dissolved by a decree of divorce by mutual consent by the Family Court on 28.11.2025. Other proceedings have also been compounded/withdrawn in compliance with the aforesaid settlement.

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

12. The parties are present in Court and are identified by their learned counsel and the Investigating Officer.

13. The petitioner confirms that she has received the entire amount



from respondent No. 2 in terms of the settlement.

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

15. Even in the case of non-compoundable offences, the Supreme Court has held that, in appropriate cases, the Court may quash the FIR on the ground of settlement. 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

¹ (2012) 10 SCC 303.



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 working in that capacity are not to be quashed merely on the basis of

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

16. In the present case, the proceedings between the parties arise in the context of a matrimonial relationship, which has already culminated in a decree of divorce. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

17. However, having regard to the circumstances giving rise to the impugned FIR, this Court accepts the suggestion of Ms. Arya that the present case is appropriate for directing the petitioner to undertake community service. Accordingly, the petitioner is directed to report for community service before the Medical Superintendent, Charak Palika Hospital, Moti Bagh, New Delhi, on 23.04.2026 at 11:00 AM. The Medical Superintendent is requested to assign suitable duties to the

⁴ Emphasis supplied.



petitioner for a total of five sessions of three hours each, to be completed within a period of two months. Upon completion of the community service, the Medical Superintendent shall issue a certificate of compliance. The petitioner shall place the said certificate on record within two weeks thereafter.

18. Having regard to the above discussion, the petition is allowed, and FIR No. 1222/2014, dated 27.08.2014, registered at Police Station Seemapuri, District North East, Delhi under Sections 324/341/506 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

19. The parties will remain bound by the terms of the settlement.

20. The petition, alongwith the pending applications, accordingly stands disposed of.

21. It is, however, made clear that the settlement and the present order will not, in any way, affect the rights of the minor child, whose custody remains with the respondent No. 2.

PRATEEK JALAN, J

APRIL 15, 2026

'pv/JM'/'