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

+ W.P.(CRL) 1211/2026

VIPUL KUMAR MALIK & ORS.

.....Petitioners

Through: Mr. Sunil Kumar and Ms.
Geetanjali Rana, Advocates with
petitioners in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Sanjay Lao, SC (Crl.) with Mr.
Abhinav Kumar and Mr.Aryan
Sachdeva, Advocates
Mr. Amit Kumar and Mr. Rajat
Rajaria Singh, Advocates with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.04.2026

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. 228/2023 dated 09.03.2023, registered at Police Station Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"] and Sections 3 and 4 of the The Dowry Prohibition Act, 1961, alongwith all proceedings arising therefrom, on the ground of settlement between the parties.

2. Issue notice. Mr. Sanjay Lao, learned Standing Counsel, accepts



notice on behalf of the State. Mr. Amit Kumar, 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 and has been identified by the Investigating Officer and her learned counsel.

4. The petition is taken up for disposal with the consent of the parties.

5. Petitioner No. 1 and respondent No. 2 were married on 18.01.2019, as per Hindu rites and ceremonies, and no child was born from the wedlock. Owing to matrimonial discord and temperamental differences between the parties, they have been living separately since 04.02.2020.

6. Petitioner No. 1 is the husband of respondent No. 2. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1. Petitioner No. 4 is his sister. Petitioner Nos. 5 to 8 are his uncles and aunts. Petitioner No. 9 is the maternal uncle of petitioner No. 1.

7. The impugned FIR was registered pursuant to a complaint lodged before the Crime Against Women Cell at the instance of respondent No. 2, who, at the relevant time, was the wife of petitioner No. 1, against the petitioners herein.

8. During the pendency of the proceedings, the parties have entered into a settlement recorded in a Memorandum of Understanding dated 06.08.2024, under the aegis of the Delhi Mediation Centre, Karkardooma Courts, whereby it has been agreed that a total sum of Rs. 9,00,000/- shall be paid as full and final settlement in three instalments, namely, Rs. 2,00,000/- at the time of recording of statements in the first motion petition, Rs. 5,00,000/- at the time of recording of statements in the



second motion petition, and Rs. 2,00,000/- at the time of quashing of the FIR. The last instalment of Rs. 2,00,000/- has been paid by the petitioners to respondent No. 2 in Court today.

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

10. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent dated 22.04.2025, passed by the Family Court, Shahdara in HMA. 458/2025.

11. I am informed that, in the statement of respondent No. 2 recorded under Section 164 of the CrPC, certain allegations attracting Section 354 of IPC have been made against the father-in-law, i.e. petitioner No. 3 herein. Respondent No. 2, however, submits that the same arose out of a misunderstanding in the wake of the matrimonial dispute between the parties.

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

13. The Supreme Court has held that, in appropriate cases, High Courts, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), may quash criminal proceedings, including those relating to non-compoundable offences, where the parties have arrived at a settlement, particularly when no overarching public interest is adversely affected.

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

¹ (2012) 10 SCC 303.



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:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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



15. In the present case, the proceedings arise out of a matrimonial relationship between the parties, which has already culminated in a decree of divorce. Respondent No. 2 has also stated before this Court that the allegations under Section 354 of the IPC arose out of a misunderstanding in the context of the matrimonial dispute. Applying the principles laid down by the Supreme Court, it is evident that respondent No. 2 has categorically affirmed the voluntary nature of the settlement before this Court. In these circumstances, the likelihood of conviction appears remote, and the continuation of the proceedings would serve no useful purpose, but would rather amount to an empty formality, unnecessarily burdening the justice system and consuming valuable judicial time. The entire amount as per the settlement has also been received by respondent No. 2, and there is, therefore, no impediment to the grant of the relief sought.

16. Having regard to the aforesaid discussion, the present petition is allowed, and FIR No. 228/2023 dated 09.03.2023, registered at Police Station Jyoti Nagar, under Sections 498A/406/34 of IPC and Sections 3 and 4 of the The Dowry Prohibition Act, 1961, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition, alongwith pending applications, accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 16, 2026SV/SD/

⁴ Emphasis supplied.