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

+ CRL.M.C. 3143/2026
VIMAL KUMAR

.....Petitioner

Through: Mr. Rambir Singh, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI
AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP. SI Naresh
Kumar Sharma, PS-Dabri.
Mr. Amit Khanna, Advocate with
R-2 through VC

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
25.04.2026

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1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the present petitioners seek quashing of FIR No. 643/2021 dated 11.08.2021, registered under Sections 498A/406 of the Indian Penal Code, 1860 ["IPC"], at Police Station Dabri, District Dwarka, Delhi, on the ground of settlement.
2. Issue notice. Notice is accepted by Ms. Manjeet Arya, learned Additional Public Prosecutor, on behalf of the State. Mr. Amit Khanna, learned counsel, accepts notice on behalf of respondent No.2.
3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. The impugned FIR was registered at the instance of respondent No.



2, who was the wife of petitioner.

5. The petitioner and respondent No.2 were married on 26.11.2020, as per Hindu rites and ceremonies. Due to temperamental differences, the parties started residing separately since 30.04.2021. No child was born from the wedlock.

6. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, against the petitioner and his family members alleging physical cruelty on demands of dowry, on the basis of which the present FIR was registered.

7. Upon completion of the investigation, a chargesheet was filed on 22.06.2023, wherein an offence under Section 377 of the IPC was alleged against the petitioner, and offences under Sections 354/354A of the IPC were alleged against Naveen Kumar (brother of the petitioner). However, *vide* order dated 20.02.2025, the Magistrate's Court discharged the petitioner of the allegation under Section 377 of the IPC. Charges under Sections 498A/406 IPC were framed only against the petitioner, and all other family members were discharged of the offences alleged against them.

8. As things stand, therefore, the proceedings do not involve charges under Sections 377/354/354A of the IPC.

9. During the pendency of the proceedings, the disputes between the parties were settled through a Settlement cum Compromise Deed/Memorandum of Understanding dated 17.06.2025. As per the settlement, petitioner agreed to pay a sum of Rs.3,21,000/- to respondent No. 2 in four instalments and a bike also had to be returned to respondent No. 2 towards full and final settlement of all claims. The parties agreed to



withdraw/quash all pending litigation between them.

10. Pursuant to the settlement, the marriage between the parties was dissolved by a decree of divorce by mutual consent passed by the Family Court on 24.02.2026.

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

12. The petitioner is present in Court and is identified by his counsel and the Investigating Officer [“IO”]. Respondent No. 2 appears through video conference and is identified by her counsel and the IO.

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

14. Although the offence under Section 498A of IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of the Code of Criminal Procedure, 1973), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

15. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

16. In the present case, the proceedings between the parties arise out 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. The settlement contemplates payment of a sum of Rs. 3,21,000/- to respondent No. 2, out of which Rs. 2,21,000/- has already been received by her. The balance amount, i.e., Rs. 1,00,000/-, has been handed over to respondent No. 2 in Court today. I am informed that the bike has also been returned to her. There is therefore no impediment in granting the relief sought.

18. Having regard to the aforesaid discussion, the petition is allowed and FIR No. 643/2021 dated 11.08.2021, registered under Sections 498A/406 of the IPC, at Police Station Dabri, District Dwarka, Delhi, along with all consequential proceedings emanating therefrom, are hereby quashed.

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

20. The petition is accordingly disposed of.

PRATEEK JALAN, J

APRIL 25, 2026

“Bhupi/JM”/

⁴ Emphasis supplied.