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

+ **CRL.M.C. 3274/2026**

**ROSHAN SHARMA & ORS.**

.....Petitioners

Through: Ms. Anu Dixit & Ms. Divya  
Panwar, Advocates.

versus

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

Through: Mr. Hitesh Vali, APP for State.  
ASI Naresh Singh, PS Dabri.  
Ms. Puja Shrivastava, Advocate for  
R-2 with R-2 in Person.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **29.04.2026**

**CRL.M.A. 13327/2026 (Exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**CRL.M.C. 3274/2026**

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. 795/2023 dated 08.11.2023, registered at Police Station Dabri, Dwarka, 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 amicably settled their



disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State, and Ms. Puja Shrivastava, learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioners are present in Court and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in Court and has been duly identified by her learned counsel and the Investigating Officer.

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

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 15.04.2022 in accordance with Hindu rites and ceremonies, and no child was born out of the wedlock. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 26.04.2023.

6. The impugned FIR has been registered at the instance of respondent No. 2, who, at the relevant time, was the wife of petitioner No. 1, and petitioner Nos. 2 and 3 are the parents of petitioner No. 1.

7. During the pendency of the proceedings, the parties have amicably settled all their disputes under the aegis of the Mediation Centre, Dwarka Courts, Delhi, by way of a Settlement Deed dated 07.08.2025, whereby petitioner No. 1 has agreed to pay a total sum of Rs. 12,00,000/- to respondent No. 2 towards full and final settlement of all her claims, including istridhan, jewellery articles, permanent alimony, and maintenance (past and future), in three installments, namely, Rs.



4,00,000/- at the time of recording of the first motion statement under Section 13-B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs. 4,00,000/- at the time of recording of the second motion under Section 13-B(2) of the HMA; and Rs. 4,00,000/- at the time of quashing of the present FIR.

8. Learned counsel for the parties submit that the settlement has been arrived at voluntarily, without any coercion, undue influence, or pressure.

9. Pursuant to the settlement arrived at between the parties, their marriage has been dissolved by a decree of divorce by mutual consent, *vide* order dated 22.12.2025 passed by the learned Family Court, Dwarka.

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

11. Notwithstanding the fact that the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that the High Courts may, in the exercise of their inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings in appropriate cases on the basis of a genuine and voluntary settlement between the parties, provided that such quashing does not impinge upon or adversely affect any overriding public interest.

12. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*<sup>1</sup> 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*

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<sup>1</sup> (2012) 10 SCC 303.



**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.”<sup>2</sup>

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*<sup>3</sup>, 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

<sup>2</sup> Emphasis supplied.

<sup>3</sup> (2014) 6 SCC 466.



*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.”<sup>4</sup>

13. In the present case, the criminal proceedings arise out of a

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<sup>4</sup> Emphasis supplied.



matrimonial dispute between the parties, which now stands resolved with the dissolution of their marriage by a decree of divorce. In terms of the principles laid down by the Supreme Court, and in view of the categorical statement made by respondent No. 2 before this Court affirming that the settlement has been entered into voluntarily and without any coercion, it is evident that the possibility of conviction is remote. In these circumstances, the continuation of the proceedings would serve no useful purpose and would only result in an unnecessary expenditure of judicial time and resources.

14. The settlement contemplates payment of a total sum of Rs. 12,00,000/- to respondent No. 2, out of which an amount of Rs. 8,00,000/- has already been received by her. The balance amount of Rs. 4,00,000/- has been handed over to respondent No. 2 in Court today by way of a demand draft. In these circumstances, there remains no impediment to the grant of the relief sought.

15. Having regard to the foregoing, the present petition is allowed, and FIR No. 795/2023 dated 08.11.2023, registered at Police Station Dabri, Dwarka, Delhi, under Sections 498A/406/34 of the IPC, along with all consequential proceedings arising therefrom, is hereby quashed.

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

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

**PRATEEK JALAN, J**

**APRIL 29, 2026**

**'pv'/SD/**