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

+ CRL.M.C. 3395/2026 & CRL.M.A. 13717/2026

SUSHANT SINGH TOKAS & ORS.Petitioner

Through: Mr. Gaurav Sahrawat and Mr.
Sahil Sharma, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondent

Through: Mr. Hitesh Vali, APP with SI Ram
Dayal Meena.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **04.05.2026**

1. The present petition has been filed 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. 0350/2025 dated 02.09.2025, registered at Police Station Neb Sarai, District South, Delhi under Sections 85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023, ["BNS"], 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. Respondent No. 2 – complainant is present in person, and accepts notice. She states that she does not seek assistance of counsel, including Legal Aid counsel.

3. Petitioner No. 1 and respondent No. 2 were married on 10.05.2023.



However, due to matrimonial discord and temperamental differences between the parties, they have been living separately since 28.04.2024. No child was born from the wedlock.

4. Subsequently, respondent No. 2 lodged a formal complaint before the Crime against Women Cell, which culminated in the impugned FIR against four accused persons being her husband, mother-in-law, brother-in-law, and sister-in-law [petitioners herein].

5. During the pendency of the proceedings, petitioner No. 1 and respondent No. 2 have settled all their disputes under the aegis of the Mediation Centre, Saket Courts, New Delhi, as recorded in a settlement dated 03.12.2025.

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

7. 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 identified by the Investigating Officer.

8. Pursuant to the settlement, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent, passed by the Family Court on 06.03.2026.

9. The settlement contemplates payment of a sum of Rs. 5 lakhs and handing over of various articles enumerated therein by petitioner No.1 to respondent No. 2 towards full and final settlement of all disputes. Respondent No. 2 states that she has received an amount of Rs. 3 lakhs, as well as the articles in terms of the settlement. The remaining amount of Rs. 2 lakhs has been paid to her today. The settlement has, therefore, been



implemented.

10. The parties also confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

11. Although the offence under Section 85 of the BNS [corresponding to Section 498A of the Indian Penal Code, 1860] 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 the BNSS [corresponding to Section 482 of the CrPC], 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.

12. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

13. 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 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.

14. The settlement amount of Rs. 5 lakhs, as well as the articles mentioned in the settlement have also been received by respondent No. 2. There is, therefore, no impediment to grant of the relief sought.

⁴ Emphasis supplied.



15. In view of the aforesaid facts and circumstances, the present petition is allowed, and FIR No. 0350/2025 dated 02.09.2025, registered at Police Station Neb Sarai, District South, Delhi under Sections 85/316(2)/3(5) of the BNS, alongwith 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 application, accordingly stands disposed of.

PRATEEK JALAN, J

MAY 4, 2026

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