



\$~31 & 77

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

+ CRL.M.C. 4202/2026 CRL.M.A. 16970/2026

ALOK GUPTA & ORS.Petitioner
Through: Mr. Anubhav Dadhich, Adv.

versus

THE STATE NCT OF DELHI & ANR.Respondent
Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Adv.
Mr. Kuldeep Singh, Adv. for R-2
SI Gaurav, PS Prasad Nagar

77

+ CRL.M.C. 4293/2026 CRL.M.A. 17310/2026

ALOK GUPTA & ORS.Petitioner
Through: Mr. Anubhav Dadhich, Adv.

versus

THE STATE NCT OF DELHI & ANR.Respondent
Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Adv.
Mr. Kuldeep Singh, Adv. for R-2
SI Vinod Kumar, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
26.05.2026

%

1. The present petitions have 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. 134/2017 dated 31.05.2017, registered at Police



Station Prasad Nagar under Sections 498A/406/34 of the Indian Penal Code, 1860 [“IPC”], [subject matter of CRL.M.C. 4202/2026], and FIR No. 896/2016 dated 07.04.2016, registered at Police Station Mehrauli under Sections 354/506/509/34 of the IPC, [subject matter of CRL.M.C. 4293/2026], on the ground that the disputes between the parties have been amicably resolved pursuant to a settlement arrived at between them.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Kuldeep Singh, learned counsel, accepts notice on behalf of respondent No. 2 in both the petitions.

3. Since the parties involved in both the petitions are identical and the disputes arise out of the same matrimonial relationship, the petitions are being considered together.

4. 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 and has been duly identified by her learned counsel and the Investigating Officer.

5. The petitions are taken up for disposal with the consent of learned counsel for the parties.

6. Petitioner No. 1 and respondent No. 2 were married on 10.05.1998 in accordance with Hindu rites and ceremonies. Out of the said wedlock, two children were born on 19.03.1999 and 03.01.2002. However, owing to matrimonial discord and temperamental differences, disputes arose between the parties, and they have consequently been living separately since the year 2016.

7. FIR No. 134/2017 dated 31.05.2017, registered at Police Station



Prasad Nagar under Sections 498A/406/34 of IPC [subject matter of CRL.M.C. 4202/2026], came to be registered pursuant to a complaint lodged by respondent No. 2, the wife of petitioner No. 1, before the Crime Against Women Cell. Petitioner Nos. 2 and 3 are the mother and brother of petitioner No. 1, respectively. The father of petitioner No. 1 was also arrayed as an accused in the said FIR; however, in view of his demise, the proceedings against him stand abated.

8. Prior to the registration of the aforesaid FIR, FIR No. 896/2016 dated 07.04.2016 was registered at Police Station Mehrauli under Sections 354/506/509/34 of IPC [subject matter of CRL.M.C. 4293/2026], at the instance of respondent No. 2 against the petitioners herein. In the said FIR, specific allegations under Section 354 IPC have been levelled against petitioner No. 3, who is the brother-in-law of respondent No. 2.

9. Respondent No. 2 is present in Court and submits that the allegations under Section 354 IPC levelled against petitioner No. 3 arose out of a misunderstanding in the backdrop of the matrimonial discord between the parties. She further states that, in view of the settlement arrived at between the parties, she no longer has any subsisting grievance against the petitioners.

10. During the pendency of the present petitions, the parties entered into an amicable settlement, which was reduced into writing by way of a Memorandum of Understanding dated 24.11.2025 in respect of both the FIRs. In terms of the said settlement, the parties agreed to dissolve their marriage by mutual consent and to resolve all their disputes and claims for a total consolidated settlement amount of Rs. 10,00,000/-. It was



further agreed that the said amount would be paid in installments, namely, Rs. 3,00,000/- at the time of recording of statements in the first motion petition under Section 13B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs. 3,00,000/- at the time of recording of statements in the second motion petition under Section 13B(2) of the HMA; and the remaining amount of Rs. 4,00,000/- at the time of quashing of the impugned FIRs.

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

12. Pursuant to the aforesaid settlement, the marriage between petitioner No. 1 and respondent No. 2 has since been dissolved by a decree of divorce by mutual consent *vide* order dated 28.02.2026, passed by the learned Family Court in HMA 236/2026.

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

14. The Supreme Court has consistently recognised that the High Courts, in exercise of their inherent powers under Section 482 of the Cr.P.C. (corresponding to Section 528 of the BNSS), may quash criminal proceedings, including those relating to non-compoundable offences, where the parties have settled their disputes amicably and where such exercise of jurisdiction does not impinge upon any overriding public or societal interest.

15. In *Gian Singh v. State of Punjab and Anr.*¹, the Court held as follows:

“58. Where the High Court quashes a criminal proceeding having

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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 disputes between the parties arise out of a matrimonial relationship, which has since been dissolved by a decree of divorce. Respondent No. 2 has appeared before this Court and has

⁴ Emphasis supplied.



categorically stated that the allegations under Section 354 IPC arose out of a misunderstanding in the wake of the matrimonial discord between the parties. She has further affirmed that the settlement has been entered into voluntarily, out of her own free will, and without any coercion or undue influence.

17. Having regard to the principles laid down by the Supreme Court and considering the nature of the disputes involved, this Court is of the view that the possibility of conviction in the present case is remote. In such circumstances, continuation of the criminal proceedings would serve no useful purpose and would only lead to unnecessary prolongation of litigation, apart from resulting in avoidable consumption of valuable judicial time and public resources.

18. In terms of the settlement arrived at between the parties, petitioner No. 1 had agreed to pay a total sum of Rs. 10,00,000/- to respondent No. 2 towards full and final settlement of all her claims. Out of the said amount, a sum of Rs. 6,00,000/- has already been received by respondent No. 2, while the remaining balance amount of Rs. 4,00,000/- has been handed over to her in Court today. Accordingly, no impediment survives to the grant of the relief sought in these petitions.

19. In view of the foregoing, the present petitions are allowed. Consequently, FIR No. 134/2017 dated 31.05.2017, registered at Police Station Prasad Nagar under Sections 498A/406/34 IPC [subject matter of CRL.M.C. 4202/2026], and FIR No. 896/2016 dated 07.04.2016, registered at Police Station Mehrauli under Sections 354/506/509/34 IPC [subject matter of CRL.M.C. 4293/2026], alongwith all consequential proceedings arising therefrom, stand quashed.



20. The parties shall remain bound by the terms of the settlement.
21. The petitions, alongwith pending applications, accordingly stand disposed of.
22. It is, however, clarified that although both the children have attained the age of majority, their rights and claims, if any, shall remain unaffected by the settlement arrived at between the parties and by the present order.

PRATEEK JALAN, J

MAY 26, 2026

Tg/SD/