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

+ CRL.M.C. 4226/2026 CRL.M.A. 17032/2026

KHALID SAIPHULLAH & ANR.Petitioner

Through: Appearance not given.

versus

THE STATE GOVT OF NCT OF DELHI AND NAR

.....Respondent

Through: Mr Tarang Srivastava, APP
Mr. Farhat Qadeeri, Adv. for R-2.
SI Varsha Chaudhary, PS Mehrauli

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.05.2026**

1. The present petition has been filed by the petitioners 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. 579/2021 dated 08.10.2021, registered at Police Station Mehrauli under Sections 498A/406 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground that the disputes between the parties have been amicably resolved pursuant to a settlement arrived at between them.

2. Issue notice. Mr Tarang Srivastava, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Farhat Qadeeri, learned counsel, accepts notice on behalf of respondent No. 2.



3. The petitioners are present through video conference and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present through video conference 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 impugned FIR came to be registered pursuant to a complaint lodged before the Crime Against Women Cell by respondent No. 2, who was, at the relevant time, the second wife of petitioner No. 1. Petitioner No. 2 is the first wife of petitioner No. 1 and has also been arrayed as an accused in the present case.

6. Petitioner No. 1 and respondent No. 2 were married on 26.01.2018 in accordance with Muslim rites and customs. No child was born from the wedlock. Owing to matrimonial discord and temperamental differences between the parties, they have been living separately since 10.03.2018.

7. During the pendency of the proceedings, the parties amicably settled all their disputes by executing a Memorandum of Understanding-cum-*Mubaratnama* dated 20.04.2026, whereby they mutually agreed to dissolve their marriage and settle all claims arising therefrom, including those relating to maintenance, *Mehr*, and past, present, and future alimony, for a total settlement amount of Rs. 4,35,000/-. It was further agreed that the said amount would be paid in instalments, namely Rs. 1,35,000/- at the time of recording of statements before the learned Family Court in the jointly filed petition/suit for declaration of divorce, Rs. 1,00,000/- at the time of withdrawal of proceedings under Section 125



Cr.P.C., and the remaining Rs. 2,00,000/- at the time of quashing of the subject FIR before this Court.

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

9. Pursuant to the settlement arrived at between the parties, the learned Family Court, *vide* judgment and decree dated 30.04.2026, has dissolved the marriage between the parties in terms of the *Mubaratnama* executed by them.

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

11. The Supreme Court has consistently held that, in appropriate cases, the High Courts, while exercising their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), may quash criminal proceedings even in respect of non-compoundable offences on the basis of a settlement between the accused and the complainant, particularly where no larger 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

13. In the present case, the dispute between the parties arises out of their matrimonial relationship, which now stands conclusively settled upon the grant of a decree of divorce. Applying the principles laid down by the Supreme Court, it is evident that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered

⁴ Emphasis supplied.



into voluntarily, without any coercion or undue influence. In view of the aforesaid circumstances, the continuation of the criminal proceedings is unlikely to result in conviction and would serve no useful purpose. On the contrary, it would amount to an empty formality, leading to an avoidable burden on the criminal justice system and an unnecessary consumption of judicial time and public resources.

14. The settlement between the parties contemplates payment of a total sum of Rs. 4,35,000/- to respondent No. 2, which has already been duly received by her in terms of the agreed arrangement. In view thereof, there remains no impediment in granting the relief sought in the present petition.

15. Having regard to the foregoing, the petition is allowed. Accordingly, FIR No. 579/2021 dated 08.10.2021, registered at Police Station Mehrauli under Sections 498A/406 of the IPC, 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 applications, accordingly stands disposed of.

PRATEEK JALAN, J

MAY 26, 2026

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