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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4300/2026 and CRL.M.A. 17353/2026, CRL.M.A. 17426/2026

ROHIT KUMAR & ORS.

.....Petitioners

Through: Mr. Sunil Kumar and Ms. Aarti Kumar, Advocates with petitioners in person.

versus

THE STATE THROUGH SHO PS ADARSH NAGAR
& ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with IO
Dr. M.K. Gahlaut and Mr. Taranjot Singh, Advocates for R-2 with R-2 on VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **29.05.2026**

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. 851/2023 dated 16.11.2023, registered at Police Station Adarsh Nagar, North West District, Delhi, under Sections 498A/406/354/34 of the Indian Penal Code, 1860 ["IPC"], along with all consequential proceedings arising therefrom, on the ground that the parties have amicably resolved their disputes and arrived at a settlement.



2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. M.K. Gahlaut, learned counsel, accepts notice on behalf of respondent No. 2.

3. Petitioner Nos. 1 and 3 have joined the proceedings through video conferencing and are identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 has also joined the proceedings through video conferencing and is identified by her learned counsel and the Investigating Officer.

4. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 07.12.2020 in accordance with Hindu rites and ceremonies. Out of the said wedlock, a son was born on 19.11.2021. However, owing to matrimonial discord and temperamental differences, disputes arose between the parties, as a result of which they have been living separately since 01.11.2022.

5. The impugned FIR came to be registered pursuant to a complaint lodged by respondent No. 2 before the Crime Against Women Cell. Respondent No. 2, who was, at the relevant time, the wife of petitioner No. 1, made allegations against the petitioners, leading to the registration of the aforesaid FIR. Petitioner No. 2 is the father of petitioner No. 1, while petitioner No. 3 is his mother. Upon completion of the investigation, a chargesheet has been filed in the matter.

6. I am informed that petitioner No. 2 expired on 07.04.2026, i.e., after the filing of the present petition. A copy of the handover slip, by which the body of petitioner No. 2 was handed over to his family, has been produced in Court today, and is taken on record. Although the Investigating Officer has not yet had an opportunity to verify the demise



of petitioner No. 2, it is not considered necessary to await such verification, particularly in view of the statement made by learned counsel for respondent No. 2 that she is also aware of the demise of petitioner No. 2 and that in any event, she does not wish to proceed with the criminal proceedings against any of the accused.

7. Dr. Gahlaut, upon instructions from respondent No. 2, submits that the allegations under Section 354 of the IPC levelled against petitioner No. 2 arose out of a misunderstanding in the wake of matrimonial discord between the parties. It is further submitted that respondent No. 2 has since resolved all her disputes with the petitioners and does not harbour any surviving grievance against them.

8. During the pendency of the proceedings, the parties amicably resolved all their disputes and entered into a settlement dated 21.02.2025 under the aegis of the Counselling Cell, Rohini Courts, Delhi. In terms of the said settlement, the parties agreed to dissolve their marriage by mutual consent, and petitioner No. 1 undertook to pay a sum of Rs.2,00,000/- to respondent No. 2 towards full and final settlement of all her claims, along with the return of certain articles. It was further agreed that the settlement amount would be paid in three instalments, namely, Rs.70,000/- at the time of recording of statements in the first motion petition, along with the return of the agreed articles; Rs.70,000/- at the time of recording of statements in the second motion petition; and the remaining Rs.60,000/- at the time of hearing of the present petition seeking quashing of the impugned FIR.

9. The parties have further agreed that the permanent custody of the minor son shall remain with respondent No. 2. It has also been agreed



that petitioner No. 1 shall not be entitled to any visitation rights and shall not, in future, raise any claim seeking custody of, or visitation rights in respect of the child.

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

11. In furtherance of the settlement entered into between the parties, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent *vide* order dated 12.09.2025 passed by the learned Family Court.

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

13. Although the offences under Sections 498A and 354 of the IPC are non-compoundable in nature, it is well settled that the High Courts, in exercise of their inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), are empowered to quash criminal proceedings in appropriate cases on the basis of a settlement arrived at between the accused and the complainant. The Supreme Court has consistently held that such power may be exercised even in respect of non-compoundable offences, particularly where the dispute is predominantly private in nature and where no overriding public interest is likely to be adversely affected.

14. 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**

¹ (2012) 10 SCC 303.



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 giving adequate treatment to the settlement between the parties and exercising

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

⁴ Emphasis supplied.



15. In the present case, the dispute arises out of a matrimonial relationship, and the marriage between petitioner No. 1 and respondent No. 2 has already been dissolved by a decree of divorce by mutual consent. It is also pertinent to note that respondent No. 2 has categorically stated and affirmed before this Court that the allegations under Section 354 of the IPC levelled against petitioner No. 2 arose out of a misunderstanding in the backdrop of the matrimonial disputes between the parties.

16. Applying the principles laid down by the Supreme Court, this Court further notes that respondent No. 2 has unequivocally affirmed the voluntary nature of the settlement and has stated that the same was entered into without any coercion, pressure, or undue influence. In these circumstances, the possibility of the proceedings culminating in a conviction appears remote and bleak. The continuance of the criminal proceedings would, therefore, serve no useful purpose and would amount to a mere formality, unnecessarily burdening the criminal justice system and consuming valuable judicial time and public resources.

17. The settlement envisages payment of a total sum of Rs.2,00,000/- to respondent No. 2 towards full and final settlement of all her claims. Out of the said amount, a sum of Rs.1,40,000/- has already been received by respondent No. 2. The balance amount of Rs.60,000/- has been paid to her today, thereby satisfying the settlement terms in their entirety. In these circumstances, there remains no impediment to the grant of the relief sought in the present petition.

18. In view of the foregoing, the present petition is allowed. Consequently, FIR No. 851/2023 dated 16.11.2023, registered at Police



Station Adarsh Nagar, North West District, Delhi, under Sections 498A/406/354/34 of IPC, alongwith all consequential proceedings arising therefrom, stands quashed.

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

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

21. It is, however, clarified that neither the settlement arrived at between the parties nor the present order shall, in any manner, prejudice or affect the rights and entitlements of the minor child, whose custody shall continue to remain with respondent No. 2.

PRATEEK JALAN, J

MAY 29, 2026

'sv'/SD/