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

+ CRL.M.C. 4336/2026

SHAHID AND ANR

.....Petitioners

Through: Ms. Sana Khan, Adv.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Adv.
Mr. Surya Nath Pandey, Adv.
SI Neha Tyagi, PS Shashtri Park

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
29.05.2026

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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. 733/2022 dated 23.08.2022, registered at Police Station Shastri Park, District North East, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith 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. Surya Nath Pandey, learned



counsel, accepts notice on behalf of respondent No. 2.

3. The petitioners are present in Court and have been 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 her learned counsel and the Investigating Officer.

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

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 26.07.2021, as per Muslim rites and ceremonies. However, due to certain temperamental differences and disputes that arose between the parties, they started living separately since 01.06.2022.

6. 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 is the wife of petitioner No. 1, while petitioner No. 2 is the mother of petitioner No. 1. Upon completion of the investigation, a chargesheet was filed in the matter.

7. During the pendency of the proceedings, the parties amicably resolved their disputes and entered into a Memorandum of Understanding dated 20.04.2026. In terms thereof, the parties reconciled and resumed cohabitation as husband and wife with effect from 18.08.2022. Respondent No. 2 states that she has been residing with petitioner No. 1 since then and is not facing any difficulty in the matrimonial relationship. It is further stated that, subsequent to their reconciliation, a child was born to the parties on 23.08.2023.

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

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



10. The Supreme Court has consistently recognised that the inherent powers of the High Courts under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) extend to quashing criminal proceedings, including those relating to non-compoundable offences, where the parties have arrived at a genuine settlement and where the continuance of such proceedings would serve no useful purpose or public interest.

11. 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 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

¹ (2012) 10 SCC 303.



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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

12. In the present case, the dispute arises out of a matrimonial relationship and is essentially private in nature. The parties have since amicably resolved their differences and reconciled, pursuant to which petitioner No. 1 and respondent No. 2 have been residing together as husband and wife since 18.08.2022. It has further been brought to the notice of this Court that a child was born to the parties on 23.08.2023 after they resumed cohabitation. Respondent No. 2 has categorically stated before this Court that the settlement was arrived at voluntarily, of her own free will, and without any coercion, pressure, or undue influence. In these circumstances, and applying the principles laid down by the Supreme Court, 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 only disturb the restored matrimonial harmony between the parties, while unnecessarily burdening the criminal justice system and consuming valuable judicial time and resources.

13. In view of the aforesaid, the present petition is allowed. Consequently, FIR No. 733/2022 dated 23.08.2022, registered at Police

⁴ Emphasis supplied.



Station Shastri Park, North East District, Delhi, under Sections 498A/406/34 of IPC, alongwith all consequential proceedings emanating therefrom, stands quashed.

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

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

PRATEEK JALAN, J

MAY 29, 2026

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