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

+ CRL.M.C. 4366/2026, CRL.M.A. 17620/2026

SANDEEP KUMAR AGRAWAL & ORS.Petitioner

Through: Mr Nitish Banka, Mr. Abhishek
Sharma, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondent

Through: Mr. Hitesh Vali, APP
ASI Meher Chand
Appearance for R-2 not given.
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. 352/2024 dated 05.10.2024, registered at Police Station Amar Colony, South East District, 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 settled their disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Learned counsel, accepts notice on



behalf of respondent No. 2.

3. Petitioner No. 1 is present in Court, while petitioner Nos. 2 to 7 have joined the proceedings through video conferencing. The petitioners 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 stands identified by her learned counsel and the Investigating Officer.

4. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 20.04.2018 in accordance with Hindu rites and ceremonies. No child was born out of the said wedlock. However, owing to matrimonial discord and temperamental differences, disputes arose between the parties, as a result of which they have been living separately since 15.02.2022.

5. The impugned FIR was registered on the basis of a complaint lodged by respondent No. 2 before the Crime Against Women Cell. Respondent No. 2 is the wife of petitioner No. 1. Petitioner No. 2 is the mother of petitioner No. 1; petitioner Nos. 3 and 7 are his sisters; petitioner No. 4 is his cousin brother; petitioner No. 5 is his uncle; and petitioner No. 6 is his aunt. Upon conclusion of the investigation, the chargesheet has been filed in the matter.

6. During the pendency of the proceedings, petitioner No. 1 and respondent No. 2 amicably resolved their disputes and entered into a Settlement Agreement under the aegis of the Delhi Mediation Centre, Saket Courts, Delhi. In terms of the said settlement, petitioner No. 1 agreed to pay a total sum of Rs. 25,00,000/- to respondent No. 2 towards full and final settlement of all her claims arising out of the matrimonial relationship and the proceedings *inter se* the parties. It was further agreed that the aforesaid amount would be paid in three instalments, namely, Rs. 10,00,000/- at the



time of recording of statements in the first motion petition for divorce by mutual consent, Rs. 10,00,000/- at the time of recording of statements in the second motion petition, and the remaining Rs. 5,00,000/- at the time of hearing of the present quashing petition before this Court.

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

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 *vide* order dated 27.03.2026 passed in HMA No. 257/2026 by the learned Family Court.

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

10. The Supreme Court has consistently held that, in appropriate cases, the High Courts may, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings, including those relating to non-compoundable offences, on the basis of a settlement or compromise arrived at between the accused and the complainant. Such power may be exercised particularly where the dispute is private in nature and where no overriding public interest is likely to be adversely affected.

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*

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

12. 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. Applying the principles laid down by the Supreme Court, it is pertinent to

⁴ Emphasis supplied.



note that respondent No. 2 has categorically affirmed before this Court that the settlement was entered into voluntarily and 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.

13. As per the terms of the settlement, petitioner No. 1 had agreed to pay a total sum of Rs.25,00,000/- to respondent No. 2, towards full and final settlement of all her claims. Out of the said amount, a sum of Rs.20,00,000/- has already been received by respondent No. 2. The balance amount of Rs.5,00,000/- has been paid to her today. In view thereof, there remains no impediment to granting the relief sought in the present petition.

14. Having regard to the foregoing, the present petition is allowed. Accordingly, FIR No. 352/2024 dated 05.10.2024, registered at Police Station Amar Colony, South East District, Delhi, under Sections 498A/406/34 of IPC, and all proceedings emanating therefrom, is hereby quashed.

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

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

PRATEEK JALAN, J

MAY 29, 2026

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