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

+ CRL.M.C. 4443/2026

ROHIT ARORA & ANR.

.....Petitioners

Through: Mr. Arun Kumar Vats, Adv. for Mr.
Tushar Miital, Adv.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP.
ASI Pawan Kumar, PS: Paschim
Vihar.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **01.07.2026**

1. The present petition has been filed for the following reliefs:

*“a) Quash the case FIR No.0416/2025 under Section 85/351(2)/3(5) of the BNS 2023 with P.S. Paschim Vihar East, Delhi, in the interest of justice
b) pass such other or further order(s) as Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”*

2. Learned counsel appearing for the parties submit that the parties have arrived at an amicable settlement *vide* Settlement dated 17.02.2026 and that the marriage between the petitioner and respondent no.2 has since been dissolved *vide* a decree of divorce through mutual consent under Section 13(B)(2) of the Hindu Marriage Act, 1955 [**‘Act’**] dated 28.04.2026 in HMA No. 1031/2026 of the Court of Principal Judge, Family Court, West, Tis Hazari Courts, Delhi, no useful purpose would be served by the continuation



of the said FIR.

3. The Investigating Officer- ASI Pawan Kumar, of the case is present and has identified the petitioner as being the accused arrayed in the FIR in question and has also identified the respondent no.2 as being the complainant thereof.

4. The respondent no.2 in replies to specific Court queries has affirmed the factum of a settlement arrived at between her and the petitioner and that the marriage between her and the petitioner has since been dissolved *vide* a decree of divorce through mutual consent under Section 13(B)(2) of Act dated 28.04.2026 in HMA No. 1031/2026 of the Court of Principal Judge, Family Court, West, Tis Hazari Courts, Delhi. She has also affirmed the receipt of a cheque bearing no.777445 dated 01.07.2026 for a sum of Rs.10,00,000/- drawn on the Yes Bank in favour of respondent no.2, namely, Ms. Shivani Arora. She also submits that she does not oppose the prayer made by the petitioner seeking the quashing of the FIR in question, nor does she want him to be punished in relation thereto.

5. The statement made by respondent no.2 is taken on record.

6. There is no opposition on behalf of the State in view of the settlement arrived at between the petitioner and the respondent no.2.

7. In view of the statement made by respondent no.2 and the factum that the marriage between the petitioner and respondent no.2 *vide* a decree of divorce through mutual consent under Section 13(B)(2) of the HMA as mentioned hereinabove, for the maintenance of peace and harmony between the parties and for the well being of their child, it is considered appropriate to put a quietus to the litigation between the parties. The Supreme Court in



the case of **Narinder Singh & Ors. V. State of Punjab & Anr.**³ vide paragraph no.29 has observed to the effect:

“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.

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.

29.6. Offences under Section 307 IPC would fall in the category of

³ (2014) 6 SCC 466



heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”



and in the case of **Gian Singh vs. State of Punjab & Another**⁴, vide paragraph no.61 has observed to the effect : -

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate

⁴ (2012) 10 SCC 303



that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. The FIR No.0416/2025 under Section 85/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 with P.S. Paschim Vihar East, Delhi, against the petitioner and all the consequential proceedings emanating therefrom are thus quashed.
9. It be noted that the rights of the children shall not be affected by the aforesaid quashment and the settlement.
10. Petition is disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 01, 2026/p