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

+ CRL.M.C. 4608/2025 & CRL.M.A. 20016/2025

VIJAY @ VIJAY JANGDA AND ORSPetitioner
Through: Ms. Ranjana Gautam, Advocate
versus

THE STATE NCT OF DELHI AND ANRRespondent
Through: Mr. Hitesh Vali, APP with SI Lalit
Kumar PS Burari
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.05.2026**

1. The petitioners have filed the present petition 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. 437/2021 dated 17.06.2021, registered at Police Station Burari, under Sections 498A and 406 of the Indian Penal Code, 1860, 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. Respondent No. 2 is present in person and accepts notice, and further states that she does not wish to engage or be represented by any counsel.

3. The petitioners are present in Court and have been duly 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 the



Investigating Officer.

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

5. Petitioner No. 1 and respondent No. 2 were married on 01.02.2017 according to Hindu rites and ceremonies, and no child was born from the said wedlock. Owing to matrimonial discord and temperamental differences between the parties, they have been living separately since 04.11.2019.

6. The impugned FIR was registered at the instance of respondent No. 2, who was, at the relevant time, the wife of petitioner No. 1. Petitioner Nos. 2 and 5 are siblings of petitioner No. 1, petitioner No. 3 is his mother, and petitioner No. 4 is his father.

7. Upon completion of investigation, a chargesheet has been filed in the matter, wherein an additional charge under Section 34 of IPC has also been invoked.

8. During the pendency of the proceedings, the parties have amicably settled all their disputes under the aegis of the Mediation Centre, Tis Hazari Courts, Delhi, *vide* settlement dated 18.11.2024, whereby it was agreed that petitioner No. 1 shall pay a total sum of Rs 3,75,000/- to respondent No. 2 towards full and final settlement of all her claims, including stridhan, maintenance (past, present and future), and permanent alimony. The said amount is to be paid in four installments, namely, Rs 1,00,000/- at the time of signing of the settlement; Rs 1,00,000/- at the time of recording of the first motion statement under Section 13B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs 1,00,000/- at the time of recording of the second motion statement under Section 13B(2) of the



HMA; and the balance amount of Rs 75,000/- at the time of quashing of the subject FIR.

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

10. Pursuant to the settlement between the parties, the marriage has been dissolved by a decree of divorce by mutual consent *vide* order dated 25.04.2025 passed by the Family Court.

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

12. Although the offence under Section 498A of the Indian Penal Code, 1860 is non-compoundable, the Supreme Court has consistently held that the High Courts, in exercise of their inherent powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), may quash criminal proceedings in appropriate cases even in respect of non-compoundable offences, where the parties have arrived at a genuine settlement, particularly when continuation of such proceedings would serve no meaningful purpose and no overriding public interest is adversely affected.

13. 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

¹ (2012) 10 SCC 303.



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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

14. In the present case, the proceedings arise out of a matrimonial relationship between the parties, which has already culminated in 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 arrived at voluntarily and without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would serve no meaningful purpose. Rather, it would amount to an empty formality, unnecessarily burdening the justice system and consuming judicial time and public resources.

15. The settlement contemplates payment of a total sum of Rs 3,75,000/- to respondent No. 2, out of which Rs 3,00,000/- has already been received by her. The balance amount of Rs 75,000/- has been handed over to respondent No. 2 in Court today. Accordingly, the settlement stands fully satisfied, and there is no impediment in granting the relief sought.

16. Having regard to the above discussion, the petition is allowed, and FIR No. 437/2021 dated 17.06.2021, registered at Police Station Burari, under Sections 498A and 406 of IPC, along with all consequential proceedings arising therefrom, is hereby quashed.

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

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

PRATEEK JALAN, J

MAY 21, 2026

‘sv’/SD/

⁴ Emphasis supplied.