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

\# **CNR No. DLHC010464092026**

\+ CRL.M.C. 7241/2026

MOHD YUSUF & ORS. .....Petitioners

Through: Mr. Pranav Prakash Sharma, Adv. with petitioners in person with petitioner nos. 1 and 7 (in person)

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with respondents in person
SI Deepak Lathwal, P.S. Narela Industrial Area with R-2 (in person)

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 06.10.2026

1. This Order is to be read in continuation of the Order dated 28.09.2026.

2. This petition has been filed seeking the quashing of the FIR No. 880/2023 dated 26.10.2023 registered at Police Station: Narela Industrial Area for offences under Sections 498A, 406, 506, and 34 of the Indian Penal Code, 1860 [‘IPC’] [‘subject FIR’].

3. Petitioner No. 1 and Petitioner No. 7 are personally present in Court. Respondent No. 2 is also present in Court, along with her father. The parties have been identified by the Investigation Officer [‘IO’] as well as their respective counsel.

4. In view of the ambiguity in clause (vi) of the Memorandum of Understanding [‘MoU’] dated 17.08.2026, a freshly executed MoU which has been notarized on 06.10.2026 [‘modified MoU’], has been handed over

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to the Court, wherein the re-worded clause (vi) reads as under: -

> "vi. It is further agreed between the parties that the child namely Rehan (D.O.B. 20.08.2013) aged about 13 shall remain in the care and custody of first party, however, second party shall have only visitation right to meet him as per convenience of child."

5. Mr. Pranav Prakash Sharma, learned counsel for the Petitioners states that this modified MoU has been signed today by Petitioner No. 1 and Respondent No. 2.

5.1 He states that the execution of the said modified MoU has been witnessed by Petitioner No. 7 and father of Respondent No. 2.

5.2 He states that the original of the modified MoU notarized on 06.10.2026 has been retained by the Petitioner No. 1 and Respondent no. 2 has a copy of the same.

5.3 He states that the marriage between the Petitioner no. 1 and Respondent No. 2 has been dissolved as per MoU cum settlement dated 14.09.2026. He states that a separate divorce deed based on mutual consent has been executed today, the original whereof is with the Petitioner No. 1 and a copy has been given to Respondent No .2.

5.4 He states that a demand draft dated 27.09.2026 drawn on Bank of Baroda bearing no. 074458 for a sum of Rs. 3 lakhs/- and a demand draft dated 14.09.2026 bearing no. 074451 for a sum of Rs. 2 lakhs/- can be handed over, by the Court Master, to Respondent No. 2.

6. Mr. Sanjeev Sabharwal, learned Additional Public Prosecutor ['APP'] states that the State has no objection to the reliefs sought in the present petition.

7. The Court Master has handed over the two demand drafts to

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Respondent No. 2.

8. This Court has interacted with Respondent No. 2. She confirms the execution of the modified MoU today as also the deed of divorce dated 14.09.2026. She also acknowledges, the receipt of the two demand drafts dated 27.09.2026 and 14.09.2026, respectively.

9. Learned counsel for the parties submit that the modified MoU was entered voluntarily by the parties, of their own free will, and without any coercion, undue influence or pressure. It is submitted that the visitation rights *qua* the minor child as agreed by the parties under the modified MoU will be adhered to by the parties. The parties state that they acknowledge that the settlement between the parties does not prejudice the legal rights and entitlement of the minor child *qua* either parent, which are independent.

10. In view of the aforesaid facts and modified MoU, the parties seek quashing of the subject FIR.

11. The Supreme Court, in **Gian Singh v. State of Punjab**[1], has held that the inherent jurisdiction of the High Court to quash criminal proceedings on the basis of a settlement may be exercised where such exercise is necessary to secure the ends of justice or to prevent abuse of the process of any Court. The Court has further held that, where the dispute is overwhelmingly and predominantly of a private or civil nature, including disputes arising out of **matrimonial** or family relationships, and the parties have amicably resolved their entire dispute, the High Court may quash the criminal proceedings if the possibility of conviction is remote and bleak and continuation of the proceedings would result in injustice despite the settlement. Similar

[1] (2012) 10 SCC 303 at paragraph 58 and 61

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principles were reiterated in **Narinder Singh & Ors. v. State of Punjab & Anr**[2] wherein the Supreme Court held that, while exercising such jurisdiction, the High Court is required to be guided by the considerations of securing the ends of justice and preventing abuse of the process of any Court.

12. In the present case, the criminal proceedings arise out of matrimonial discord between the parties, which marriage has been dissolved by divorce, by mutual consent. Respondent No. 2 has also appeared before this Court and unequivocally affirmed that the modified MoU was entered into voluntarily, without any coercion or undue influence. Therefore, the facts of this case are covered by the exception recognised in the aforesaid judgements.

13. Having regard to the principles laid down by the Supreme Court, this Court is of the view that the possibility of the proceedings culminating in a conviction is remote. Consequently, permitting the prosecution to continue would serve no useful purpose and would merely result in an unnecessary expenditure of judicial time and public resources. The modified MoU has been implemented to the satisfaction of the parties. There remains no impediment to the grant of the relief sought. This Court is of the considered opinion that it is a fit case to exercise it discretionary jurisdiction under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ['BNSS'].

14. Therefore, the subject FIR along with the chargesheet and all consequential proceedings arising therefrom, is hereby quashed.

15. The Court Master is directed to take copy of the deed of divorce dated

[2] (2014) 6 SCC 466 at paragraph 29 (29.1 – 29.5)

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14.09.2026 and modified MoU notarized on 06.10.2026, on record.

16. Respondent no. 2 clarifies that she will vacate the premises of the Petitioner No. 1 in terms of clause (v) of the modified MoU by 05:00 P.M. on 07.10.2026. She states that she has substantially vacated the property and will hand over the keys to Petitioner No. 1.

16.1 She also states that, she will facilitate visitation of the minor child with the Petitioner No. 1 at least once a week, subject to the Petitioner No. 1 maintaining cordial and good conduct with the minor child.

17. Parties shall remain bound by the terms of the modified MoU notarized on 06.10.2026.

18. Accordingly, the petition is allowed.

19. Pending applications, if any, stands disposed of.

20. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of this order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 6, 2026/mt/IB

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