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

\# **CNR No. DLHC010489342026**

\+ W.P.(CRL) 3201/2026 & CRL.M.A. 31871/2026

ASHFAK AND ORS .....Petitioners

Through: Mr. Pulkit Mittal, Adv.

versus

THE STATE GOVT OF NCT DELHI AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr. Alok Sharma, Ms. Sonia Malhotra, Advs.
SI Sheetal, P.S. Mangolpuri

Mr. Krishan Kumar, Mr. Pawan Kumar, Advs. for R-2
R-2 (in person)

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

O R D E R

% 09.10.2026

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 364/2024 dated 24.04.2024 registered at P.S. Mangolpuri under offences Section 498A, 406 and 34 of the Indian Penal Code, 1860 ['IPC'] ['subject FIR'] and all proceedings emanating therefrom, on the ground that the parties have amicably resolved their disputes.

2. Issue Notice. Mr. Yasir Rauf Ansari, learned ASC, appearing on

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behalf of the State, accepts notice.

3. Mr. Krishan Kumar, learned counsel for the Respondent No. 2, appears on advance service and accepts notice.

4. All the Petitioners except Petitioner No.2 (who is stated to be on bed rest) are personally present in Court and are identified by the Investigating Officer ('IO') and their learned counsel.

5. Respondent No. 2, along with her brother, is personally present in Court and is identified by the IO as well as by her counsel.

6. Petitioner No. 1 and Respondent No. 2 were married on 09.03.2022 according to Muslim Rites. One female child was born out of this wedlock. Due to matrimonial discord and temperamental differences between the parties, the subject FIR was registered at the instance of Respondent No. 2.

7. However, during the pendency of the proceedings, the parties amicably resolved all their disputes by way of a Settlement dated 26.02.2026 to put a quietus to the dispute.

8. The Settlement contemplates payment of Rs. 10,25,000/- to Respondent No. 2 towards full and final settlement of disputes. The said amount was agreed to be paid in 3 instalments, namely, Rs.5,00,000/- by way of FDR in the name of the said Minor child and the remaining Rs. 5,25,000/- to be paid to the Respondent No.2 by way of DD (Rs. 5 lakhs by way of DD and Rs. 25,000/- by way of cash) at the time of quashing of the present FIR.

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9. Today in Court, the Petitioner No. 1 has handed over a DD bearing No. 312056 amounting to Rs. 5,00,000/- drawn upon the Bank of Baroda to the Respondent and, upon the Court's direction, the remaining amount of Rs. 25,000/- has also been transferred through UPI[1]. It is stated that the physical copy of the FDR in the name of the minor child has been handed over to Respondent No. 2.

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

11. Pursuant to the aforesaid settlement, it is stated the marriage between the Petitioner No. 1 and Respondent No. 2 stands dissolved, by mutual consent, i.e. Talaq-e-*Mubarat* as per the Muslim Personal Laws. They have placed on record a decree of declaration passed by the learned Family Court on 10.07.2026.

12. This Court has interacted with Respondent No. 2. She confirms the submissions made by the Petitioner. She also confirms that she has executed the affidavit dated 21.09.2026 recording her no objection to quashing the subject FIR, which is at running page 89 of this petition. She also confirms receipt of total settlement amount of Rs. 10,25,000/-. She states that in view of the amicable resolution of disputes, she does not want to pursue this FIR any further.

13. Learned ASC, appearing on behalf of the State, submits that the State

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[1] UPI Reference No. 6156 6462 3836, 2176 2912 3098, 3164 8827 9349, 6156 6467 3642, 3164 8750 6271

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has no objection to the relief sought in the petition. He states that the charge-sheet has not been filed in the present case.

14. In light of the aforesaid, the parties seek quashing of the impugned FIR and all consequential proceedings emanating therefrom.

15. This Court has heard the parties and perused the record.

16. With respect to offences that are non-compoundable in nature, the Supreme Court has held in **Gian Singh v. State of Punjab**[2] that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant. Where the dispute is predominantly private in nature and does not involve any overriding societal or public interest, quashing the proceedings would serve the ends of justice and prevent the abuse of the process of law. Similar principles were reiterated in **Narinder Singh & Ors. v. State of Punjab & Anr.**[3], 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.

17. This is a case of criminal proceedings arising out of a matrimonial dispute between the parties, wherein the marriage has been dissolved. The disputes are thus private in nature, and there is no overriding public interest

[2] (2012) 10 SCC 303
[3] (2014) 6 SCC 466 [Paragraph No. 29]

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involved. The parties have agreed to part ways, and keeping the proceedings alive would only remind them of the bitterness. In view of the fact that the parties have amicably settled the dispute without any coercion or undue influence, and the remote and bleak chances of conviction of the Petitioners, this Court is of the view that continuation of the proceedings arising out of the present FIR would serve no useful purpose, besides imposing an unnecessary burden on the State exchequer. This Court is of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

18. The Settlement dated 26.02.2026 provides that the sole custody of the minor female child shall remain with Respondent No. 2, subject to the specified visitation rights in favour of the Petitioner No. 1. Since the Settlement dated 26.02.2026 does not expressly preserve the independent legal rights and entitlements of the minor child, it is made clear that the settlement shall not, in any manner, prejudice the legal rights and entitlements of the minor child.

19. In view of the above, FIR No. 364/2024 dated 24.04.2024 registered at P.S. Mangolpuri under offences under Sections 498A, 406 and 34 of the IPC and proceedings emanating therefrom are quashed.

20. Parties shall remain bound and abide by the terms of settlement.

21. Accordingly, the petition is allowed. The pending application is disposed of.

22. The digitally signed copy of this order, duly uploaded on the official

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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 the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 9, 2026/mt/aj

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