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

\# **CNR No. DLHC010491992026**

\+ CRL.M.C. 7677/2026, CRL.M.A. 32017/2026 & CRL.M.A. 32065/2026

SUSHIL KUMAR & ORS. .....Petitioners

Through: Mr. Prateek Saxena and Ms. Manjul Rani Singh, Advs., along with petitioner no. 1 in person.
Mob: 9582852482
Email: mrprateeksaxena@gmail.com

versus

STATE (SHO P.S SUBZI MANDI) & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for the State
Mob: 9810405319
Ms. Prabha Tanwar, Mr. Sourabh Saini and Ms. Khushi, Advs. for R-2, along with R-2 in person
Mob: 7011203007
Email: adv.prabhatanwar@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 20.11.2026

CRL.M.A. 32065/2026 (For Condonation of Delay)

1. The present application has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), seeking condonation of delay of 180 days in re-filing the present petition.

2. Issue Notice.

3. Notice is accepted by the learned Additional Public Prosecutor

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("APP") for the State as well as the learned counsel appearing on behalf of the respondent no. 2.

4. For the reasons stated, and with the consent of learned counsel for the respondents, the application is allowed, and the delay of 180 days is condoned.

5. Accordingly, the present application stands disposed of.

CRL.M.C. 7677/2026 & CRL.M.A. 32065/2026

6. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 ("CR.P.C.) read with Section 528 of the BNSS, seeking quashing of proceedings qua the *FIR 39/2020* dated 12th December, 2020, registered under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC"), at Police Station ("PS") Subzi Mandi, North, Delhi, and all the consequential proceedings arising out therefrom, on the ground of settlement between the parties.

7. The parties, i.e., the petitioners as well as respondent no. 2 are present before this Court, and are duly identified by their respective counsels as well as the Investigating Officer ("IO"), who is also present before this Court.

8. The petition is taken up for disposal with the consent of the parties.

9. The brief facts necessitating filing of the present petition are as follows:

9.1. The impugned *FIR No. 39/2020*, dated 12th February, 2020, was registered at PS Subzi Mandi, North, Delhi, pursuant to the complaint of respondent no. 2, alleging dowry demands, physical and mental cruelty and harassment against her husband, namely, Pawan Kumar, and her in-laws.

9.2. She stated that she married Pawan Kumar, on 06th December, 2014, in accordance with Hindu rites and ceremonies. However, the petitioners

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herein allegedly remained dissatisfied with the dowry articles and jewellery and subjected her to taunts and harassment for not bringing sufficient dowry.

9.3. The complainant alleged that her husband was a habitual drunkard, used to beat and abuse her, and forced her to have physical relations with him. She further alleged that her in-laws who are the petitioners herein instigated her husband to assault her and her brother-in-law also allegedly attempted to touch her inappropriately when she was residing in rented accommodation.

9.4. She further alleged that her husband and father-in-law took away her belongings from the rented accommodation and that her *stridhan*, jewellery and other household articles remained in the custody of the petitioners.

9.5. The respondent no. 2 has also filed a complaint case being *Ct. No. 2267/2020* under Section 12 of the Protection of Women from Domestic Violence Act, 2005 ("DV Act"), before the Court of Judicial Magistrate First Class ("JMFC") (Mahila Court-03), Central District, Tis Hazari Courts ("THC"), Delhi.

9.6. The parties were referred to Delhi Mediation Centre, THC, Delhi. During the mediation the parties arrived into settlement, whereby, they agreed to withdraw the complaint against the respondent no. 2 to 6 except the husband who is stated to be already PO/*ex-parte*.

9.7. By way of the terms of the said Mediation Settlement dated 20th September, 2025, a sum of Rs. Rs. 2,10,000/- (Rupees Two Lacs Ten Thousand Only) is payable by petitioner no. 1 to respondent no. 2, towards full and final settlement.

10. Learned counsels appearing for the petitioners as well as respondent no. 2 jointly submit that the parties have already settled the matter by

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executing the Mediation Settlement dated 20th September, 2026, and therefore, pray that the FIR in the question be quashed.

11. Learned Additional Public Prosecutor ("APP") for the State informs the Court that the husband of the respondent no. 2 is not traceable since the year 2019.

12. He submits that the husband of the respondent no. 2 has been declared as a Proclaimed Offender ("PO").

13. Thus, he submits that PO chargesheet has been filed against the husband of the respondent no. 2.

14. Learned counsel appearing for respondent no. 2 submits that respondent no. 2 has settled the matter with the petitioners, who are family members of her ex-husband.

15. This Court is further informed that *ex-parte* divorce has already been obtained on 31st October, 2026.

16. Learned counsel appearing for respondent no. 2 submits that as per the terms of the Mediation Settlement a sum of Rs. 2,10,000/- (Rupees Two Lacs Ten Thousand only) is payable to respondent no. 2.

17. This Court is informed that a sum of Rs. 1,10,000/- (Rupees One Lac Ten Thousand only) was given to respondent no. 2 earlier and the remaining sum of Rs. 1,00,000/- (Rupees One Lac only) has been received by respondent no. 2 today.

18. This Court has interacted with respondent no. 2, who confirms the fact that she has received the full amount of settlement.

19. She further submits that she does not wish to pursue the present matter any further.

20. In light of the aforesaid, the parties seek quashing of the present FIR.

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21. Learned APP for the State submits that the State has no serious objection in view of the facts and circumstances of the present case.

22. Having heard the learned counsels appearing for the parties, this Court notes that the present matter has been finally settled between the parties.

23. It is no longer *res-integra* that this Court has the power to quash the criminal proceedings in cases of non-compoundable offences under the Code of Criminal Procedure Code, 1973 ("CrPC"), i.e., now the BNSS, wherein, the parties have settled the matter between themselves.

24. The Supreme Court has held that under Section 528 of the BNSS, High Courts may quash criminal proceedings, even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or settlement, and particularly when no overarching public interest is adversely affected by quashing the same.

25. In ***Jitendra Raghuvanshi and Others Versus Babita Raghuvanshi and Another, (2013) 4 SCC 58***, the Supreme Court has held that the High Courts are empowered to quash an FIR in case of matrimonial disputes in order to foster genuine settlements, even when the offences involved are non-compoundable in nature. The relevant portion of the said judgment reads as under:

> *"xxx xxx xxx*
>
> ***14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi [(2003) 4 SCC 675 : 2003 SCC (Cri) 848] , this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably.*** *We are satisfied that the said decision is directly applicable to the case on hand and the*

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High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

15. <u>In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.</u>

xxx xxx xxx"

(Emphasis Supplied)

26. Considering the submissions before this Court, and the facts and the circumstances of the present case, this Court finds no impediment in allowing the present petition.

27. Accordingly, *FIR No. 39/2020*, under Sections 498A/406/34 of the IPC, registered at PS Subzi Mandi, North, Delhi, against the petitioners and all the consequential proceedings arising out therefrom against the petitioners, are hereby quashed.

28. It is clarified that the proceedings against the husband of the respondent no. 2 shall continue.

29. With the aforesaid directions, the present petition is accordingly allowed and disposed of.

30. Pending application also stands disposed of.

MINI PUSHKARNA, J

NOVEMBER 20, 2026/SK

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