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

\# **CNR No. DLHC010508382026**

\+ W.P.(CRL) 3323/2026

TARUN SAHNI & ORS. .....Petitioners

Through: Ms. Upasana Pahuja, Ms. Mehak Chaudhary and Mr. Pranav Sahni, Advocates along with P-1 and P-4 (Through VC) in person

versus

STATE GOVT OF NCT OF DELHI AND ANR. .....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Suruchi, PS: G.K.
Mr. Sundeep Sehgal, Advocate for R-2 along with R-2 in person

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

O R D E R

% 27.10.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [‘BNSS’] seeking quashing of the FIR No. 248/2022 dated 30.12.2022 [‘subject FIR’] registered at Police Station [‘PS’]: Greater Kailash, Delhi, for offences under Section 498A, 406, 506 and 34 of the Indian Penal Code, 1860 [‘IPC’] and all proceedings emanating therefrom.

2. This order is being passed in continuation of order dated 16.10.2026.

3. Petitioner no. 4 has appeared through Video Conferencing (‘VC’) link

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and is represented by her counsel and has been identified by the Investigating Officer ['IO'].

4. Respondent no. 2 is present in Court and is represented by her counsel and has been identified by the IO.

5. It is stated, in the petition, that on 14.09.1991 the Petitioner No. 1 and Respondent No. 2 solemnized their marriage. Out of the said wedlock, two daughters were born to the parties namely Ms. Aakriti Sahni [born on 23.12.1993] and Ms. Nupur Sahni [born on 13.05. 1998]. It is stated that due to temperamental discord and matrimonial disputes the parties started living separately in separate rooms of the same house since 2014.

6. It is stated that on 30.12.2022 the subject FIR came to be registered at the instance of the Respondent No. 2 *qua* the Petitioners. It is stated that chargesheet has not been filed. It is stated that in April 2023, the Petitioner No. 1 along with both of his daughters moved to Petitioner No. 1's parental home.

7. It is stated that the parties have arrived at an amicable and comprehensive settlement of all their inter-se disputes and differences recorded in the Settlement Agreement dated 13.07.2026 ['Settlement Agreement'].

8. It is stated that in terms of the Settlement Agreement on 07.08.2026 the first motion petition for divorce by mutual consent was allowed by the learned Family Court.

9. It is stated that as per the Settlement Agreement the Petitioner No. 1

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had executed and got registered a Special Power of Attorney ['SPA'] dated 17.07.2026 in favour of Respondent No. 2 in respect of the half undivided share in property no. C-119, Greater Kailash, New Delhi – 110048.

10. Ms. Upasana Pahuja, learned counsel for the Petitioners states that in terms of the Settlement Agreement and after the subject FIR is quashed the parties will jointly file for the second motion petition for divorce by mutual consent.

10.1. She states that as per the Settlement Agreement the Petitioner No. 1 is willing to transfer half share in property bearing No. C-119, Greater Kailash -I, New Delhi 110048 in favour of Respondent No. 2 ['gift deed'] in full and final settlement of all her claims including past present and future maintenance, alimony, articles, jewellery, Istridhan etc subsequent to passing of orders in second motion petition for divorce by mutual consent.

10.2. She states that the Petitioner no. 1 will approach the Investigating Officer ('IO') for release of his passport after the second motion has been allowed and gift deed has been executed in favour of Respondent no. 2 as agreed in the settlement agreement.

11. Learned Counsel for the parties submit that Settlement Agreement was entered voluntarily by the parties, of their own free will, and without any coercion, undue influence or pressure.

12. In view of the aforesaid facts and Settlement Agreement, the parties seek quashing of the subject FIR.

13. Mr. Sanjeev Sabharwal, learned Additional Public Prosecutor ['APP']

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states that no charge-sheet has been filed, and the State has no objection to quashing of the subject FIR in view of the settlement between the parties.

14. This Court has heard the learned counsels of the parties and perused the record.

15. This Court has interacted with Respondent No. 2. She confirms having executed the affidavit dated 10.09.2026 recording her no objection to the quashing of the subject FIR filed at running page '42', of the present petition.

16. 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 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.

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17. In view of the aforesaid submissions by the parties, considering the fact that the terms of the Settlement Agreement stand fully satisfied, there remains no impediment to the grant of the relief sought.

18. In the present case, the criminal proceedings arise out of a matrimonial discord between the parties, and the parties have already filed a petition for divorce by mutual consent. Respondent No. 2 has also appeared before this Court and unequivocally affirmed that the Settlement Agreement was entered into voluntarily, without any coercion or undue influence. In view of the settlement between the parties, this Court is satisfied that this is a fit case for quashing in interest of justice. There is no overriding public interest in continuing with the criminal proceedings. The quietus to the criminal proceedings will enable the parties to move on with their lives. Therefore, it is a classic case of a criminal case with a predominant element of civil dispute, and this Court is of the considered opinion that it is a fit case to exercise its discretionary jurisdiction under Section 528 of the BNSS.

19. Having regard to the principles laid down by the Supreme Court, this Court is of the view that permitting the prosecution to continue would serve no useful purpose and would merely result in an unnecessary expenditure of judicial time and public resources.

20. It is directed that parties shall abide by the terms of the Settlement Agreement. The parties are bound down to the submissions recorded in this order.

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[1] (2012) 10 SCC 303, at paragraph no. 58 and 61
[2] (2014) 6 SCC 466, at paragraph no. 29 (29.1 - 29.5)

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21. Accordingly, the present petition has been allowed. Consequently, the subject FIR No. 248/2022 dated 30.12.2022 registered at PS: Greater Kailash, Delhi, for offences under Section 498A, 406, 506 and 34 IPC and all proceedings emanating therefrom, is hereby quashed.

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

MANMEET PRITAM SINGH ARORA, J

OCTOBER 27, 2026/*rhc*/IB

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