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

\# **CNR No. DLHC010525012026**

\+ CRL.M.C. 8168/2026

RUPESH KUMAR .....Petitioner

Through: Mr. Harender Pahal, Adv., along with Petitioner in person.
Mob: 8053452850
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versus

STATE(NCT OF DELHI) & ORS. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for the State
Mob: 9968257999
Ms. Shweta Sharma, Adv. for R-2 and 3, along with R-2 and 3 in person.
Mob: 8929967212
Email: advocate.shwetasharma13@gmail.com
Mr. Lalit Jakhar, SI, PS Shalimar Bagh

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 02.11.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") corresponding to the Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR"), being *FIR No. 614/2021*, dated 27th July,

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2021, registered at Police Station ("PS") Shalimar Bagh, North-West, Delhi, under Sections 363/366A of the Indian Penal Code, 1860 ("IPC"), and all consequential proceedings emanating therefrom, on the ground of settlement between the parties.

2. Issue Notice.

3. Notice is accepted by the learned Additional Public Prosecutor ("APP") for the State as well as by the learned counsel appearing for respondent nos. 2 and 3.

4. The parties, i.e., petitioner and respondent nos. 2 and 3 are present in Court, and are duly identified by their respective counsels, as well as by the concerned Investigating Officer ("IO"), who is also present before this Court.

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

6. The relevant facts for the adjudication of the captioned petition, culled out from the documents on record, are as follows:

6.1. The FIR in question came to be lodged on 27th July, 2021, pursuant to statement of the respondent no. 2, i.e., the complainant, namely, Mumtaj Ali, father of the the respondent no. 3, i.e., Noor Jahan, alleging that his daughter, had been missing from her residence since 26th July, 2021.

6.2. He alleges that neighbours had seen her leaving with a boy who used to visit their house, whose, name and address, however, not known to him. He expressed his suspicion that the said boy had lured his daughter away.

6.3. Upon completion of the investigation, a Final Report/Chargesheet was filed by the Investigating Officer ("IO") before the Judicial Magistrate First Class ("JMFC"), Rohini Court, Delhi, including, additional charges under

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Section 366A of the IPC.

6.4. During the pendency of proceedings, the parties amicably resolved all their disputes *vide* Memorandum of Understanding ("MoU")/Settlement dated 12th October, 2026.

6.5. By way of the said MoU/Settlement, petitioner and respondent no. 2 agreed to settled all their disputes and differences arising out of the FIR in question. The settlement has been arrived between the parties voluntarily and without any force or coercion.

6.6. *Vide* the said MoU/Settlement, the parties agreed to cooperate with each other in quashing of the FIR in question.

7. Learned counsels appearing for the petitioner as well as respondent nos. 2 and 3 jointly submit that the parties have executed the MoU/Settlement dated 12th October, 2026, and therefore, pray that the FIR in the question be quashed.

8. It is submitted that the petitioner and respondent no. 3 got married on 02nd August, 2021 and are living together as husband and wife and have a girl child, who is approximately 03 (three) years of age.

9. This Court has interacted with respondent no. 2, i.e., father of the respondent no. 3, who submits that he has accepted the relationship of his daughter with the petitioner, and the blessings of the family are with his daughter and her husband.

10. This Court has also interacted with respondent no. 3, who submits that she is living happily with the petitioner, as husband and wife, and they have a three (03) years old daughter.

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

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12. Learned Additional Public Prosecutor ("APP") for the State submits that in view of the settlement between the parties, the State has no serious objection in respect to the present petition.

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

14. 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.

15. 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.

16. 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. <u>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</u>***

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to settle their differences amicably. *We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.*

15. 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.

xxx xxx xxx"

(Emphasis Supplied)

17. Accordingly, considering the facts and circumstances of the present case, *FIR No. 614/2021*, registered at PS Shalimar Bagh, North-West, Delhi, under Sections 363/366A of the IPC, and all consequential proceedings arising therefrom, are hereby quashed.

18. The present petition is disposed of in the aforesaid terms.

MINI PUSHKARNA, J

NOVEMBER 2, 2026/SK

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