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

\# **CNR No. DLHC010526352026**

\+ CRL.M.C. 8189/2026

ARUN KUMAR & ORS. .....Petitioners

Through: Mr. Abhimanyu Kumar Singh, Mr. Rishabh Sharma, Advs. alongwith all Petitioners in person except Petitioner No. 5, who apperas through VC.

versus

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

Through: Mr. Manoj Pant, APP for the State with SI Veena, PS SP Badli.
Ms. Neha Sareen, Adv. for R-2 alongwith Respondent No.2 in person with her child.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 02.11.2026

1. Hybrid mode.

CRL.M.A. 34334/2026 (Delay 46 days in re-filing)

2. In view of the contents of the application and submissions made, the delay of 46 days in re-filing the petition is condoned.

3. Application stands disposed of.

CRL.M.C. 8189/2026

4. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (erstwhile Section 482 of the Code of

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Criminal Procedure, 1973) seeks quashing of FIR No. 388/2025 dated 02.04.2025 registered at P.S. Samaypur Badli under Sections 85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') (corresponding to Sections 498A/406/34 of the Indian Penal Code, 1860) and all consequential proceedings emanating therefrom on the ground that the parties have amicably settled their disputes and have resumed their matrimonial life.

5. Issue notice. Learned APP for the State and Respondent No. 2, who is present in person, appear on advance notice and accept notice.

6. Petitioner No. 1 is the husband of Respondent No. 2 and Petitioner Nos. 2 to 10 are members of his family. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 02.05.2021 according to Hindu rites and ceremonies. A daughter was born out of the wedlock on 25.06.2025.

7. Owing to temperamental differences the parties could not pull along and started residing separately from 30.12.2024. Respondent No. 2 thereafter instituted maintenance proceedings under Section 144 BNSS, being MT No. 85/2025, before the learned Principal Judge, Family Court (North), Rohini Courts and proceedings under the Protection of Women from Domestic Violence Act, 2005, being Ct. Case No. 413/2025, before the learned JMFC (Mahila Court)-02, North, Rohini Courts. The FIR in question was registered on her complaint alleging harassment for dowry and misappropriation of her stridhan by Petitioner No. 1 and his family members.

8. With the intervention of elders, family members and common well-wishers the parties resolved their differences and resumed cohabitation as husband and wife. Respondent No. 2 then applied for withdrawal of the

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maintenance petition stating that the parties had amicably resolved their disputes and had decided to live together in the larger interest of their family and their infant daughter. The maintenance petition was dismissed as withdrawn being settled by order dated 23.12.2025. On 24.12.2025 Respondent No. 2 made a statement before the learned Mahila Court that she had settled the matter as the parties were residing together and that she would cooperate in the quashing of the FIR in question. The domestic violence complaint was thereafter disposed of as withdrawn and settled before the National Lok Adalat on 10.01.2026.

9. The terms of the reconciliation have been reduced into writing in a Memorandum of Understanding dated 09.10.2026 ('MoU') executed between Petitioner No. 1 and Respondent No. 2, which is on record. Under the MoU the parties have recorded that they have resolved their disputes of their own free will and have resumed cohabitation as husband and wife. They intend to continue their matrimonial relationship with dignity and mutual respect and to discharge their parental responsibilities together. The MoU also records that nothing in it curtails any right of their minor daughter. Respondent No. 2 has stated that she has no objection to the quashing of the FIR and has undertaken to cooperate in these proceedings. Significantly, the MoU records that the settlement is not founded on payment of any monetary consideration and that no amount is payable by either party as a condition for her consent to the quashing of the FIR.

10. The affidavits filed by the Petitioners in terms of the Practice Directions of this Court reflect that the matter is at the stage of investigation, that none of the Petitioners has been arrested and that none of them has any criminal antecedents. Respondent No. 2 has also filed her affidavit

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supporting the petition and stating that she has no objection if the petition is allowed.

11. Petitioner No. 5 appears through VC and the other Petitioners and Respondent No. 2, who are present in Court, have been identified by their counsel as well as by the Investigating Officer SI Veena. Respondent No. 2 states that she has resumed her matrimonial bond and is happily living with her husband i.e. Petitioner No. 1. She states that as of now she has no complaint against her husband, who has assured her that he will be a good and caring husband. Petitioner No. 1 endorses these facts and undertakes to be a caring, loving and respectful husband.

12. Respondent No. 2 further states that she is making this statement of her own free will and volition and without any force, pressure or coercion. She has no objection if the FIR and the consequential proceedings are quashed in view of the assurances extended by her husband and wishes to put an end to the dispute and discord for all times to come. Learned counsel for the Petitioners submits that no other proceedings are pending between the parties.

13. This Court has considered the submissions and perused the record. The offence under Section 85 BNS (Section 498A IPC) is non-compoundable while the offence under Section 316(2) BNS (Section 406 IPC) is compoundable under Section 359 BNSS. The bar on compounding does not however restrict the inherent power of this Court to quash proceedings which are essentially private in character where the parties have resolved their dispute.

14. In ***B.S. Joshi v. State of Haryana***, 2003 4 SCC 675, the Supreme Court referring to ***State of Karnataka v. L. Muniswamy***, (1977) 2 SCC 699,

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held that the ends of justice are higher than the ends of mere law and that the High Court may quash criminal proceedings arising out of a matrimonial dispute where the parties have settled their differences. The Court noticed that where the wife does not support the imputations made in the FIR there would almost be no chance of conviction and that one of the reasons for this may be that "***she has resolved disputes with her husband and his other family members and as a result thereof she has again started living with her husband with whom she earlier had differences***". In such an eventuality the Court held that it would not be proper to decline quashing on the ground that it would permit the parties to compound non-compoundable offences.

15. Further, in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, a three-Judge Bench held that criminal cases with an overwhelmingly and predominantly civil flavour, particularly those arising out of matrimony or family disputes, may be quashed where the wrong is basically private and the parties have resolved their entire dispute, if the possibility of conviction is remote and bleak and continuation of the case would cause oppression and prejudice to the accused. In ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, the Supreme Court reiterated that proceedings arising out of matrimonial disputes may be quashed on settlement even where the offences are non-compoundable and observed that it is the duty of the courts to encourage genuine settlement of matrimonial disputes.

16. The present case stands on a stronger footing than an ordinary settlement. The parties have not merely entered into a Settlement or Memorandum of Understanding, where the understanding in such MoU, lacks understandings and usually decide to separate and confine to

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materialistic objects, whereas in the instant case real understanding can be seen. They have reconciled and resumed their matrimonial life and are residing together with their daughter. The reconciliation preceded the MoU by several months, as is evident from the withdrawal of the maintenance proceedings in December, 2025 and the statement of Respondent No. 2 before the learned Mahila Court on 24.12.2025 that the parties were residing together. The MoU only reduces into writing what the parties had already brought about by their own conduct. The fact that husband and wife have come back together and continue to live together is itself the truest expression of the understanding between them. This circumstance, apart from the MoU, furnishes ample reason to bring the criminal proceedings to an end.

17. To continue a prosecution in which the wife is the complainant and the husband and his family are the accused, while husband and wife share a home and are bringing up their child together, would run contrary to the very reconciliation which the law seeks to foster. It would keep alive the bitterness of the past and may unsettle a family which has been restored. The allegations arise out of the matrimonial relationship and are private in nature. No overriding public interest requires the prosecution to go on. Since the complainant has no surviving grievance and has resumed her married life, the possibility of conviction is remote and bleak and continuation of the proceedings would amount to an abuse of the process of the Court. The matter is still at the stage of investigation and no useful purpose would be served by expending further time of the investigating agency and the Court.

18. In view of the above, FIR No. 388/2025 dated 02.04.2025 registered at P.S. Samaypur Badli under Sections 85/316(2)/3(5) BNS and all

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consequential proceedings emanating therefrom are hereby quashed qua all the Petitioners.

19. The parties shall remain bound by the statements and undertakings made before this Court today and by the terms of the MoU dated 09.10.2026.

20. It is made clear that the rights of the minor daughter qua either parent are independent and are not affected by the MoU or by anything recorded in this order.

21. The petition is allowed and disposed of in the above terms. Pending application(s), if any, also stand disposed of.

VIMAL KUMAR YADAV, J

NOVEMBER 2, 2026/*vs*

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