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

\# **CNR No. DLHC010526362026**

\+ CRL.M.C. 8190/2026

NITIN KUMAR CHAURASIYA AND ANR .....Petitioners

Through: Mr. Aashish Kumar Singh, Adv. alongwith all Petitioners in person.

versus

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

Through: Mr. Satish Kumar, APP for the State with SI P. Buno, PS Kalyan Puri.
Ms. Chitrakshi Vedi, Adv. for R-2 alongwith R-2 in person.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 02.11.2026

1. Hybrid mode.

CRL.M.A. 34335/2026 (exemption)

2. Allowed, subject to all just exceptions on the condition that the requisite documents shall be filed as per Delhi High Court Rules.

3. Application stands disposed of.

CRL.M.C. 8190/2026

4. Issue notice.

5. On advance notice learned APP appears and accepts notice and seeks time to file Status Report/reply.

6. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as

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"BNSS"), corresponding to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), seeking quashing of FIR No. 134 dated 12.02.2024 registered at Police Station Kalyanpuri, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC"), alongwith all consequential proceedings emanating therefrom.

7. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 27.01.2022 in accordance with Hindu rites and ceremonies. Out of the said wedlock, no child was born. Petitioner No. 2 is the father of Petitioner No. 1. Owing to certain matrimonial differences and temperamental incompatibility, disputes arose between Petitioner No. 1 and Respondent No. 2, resulting in their separation on 10.11.2022. Since then, the parties have been residing separately.

8. Based on the complaint made by the Respondent No. 2, alleging harassment, cruelty and misappropriation of her stridhan and other matrimonial articles, the aforementioned FIR came to be registered against the Petitioners.

9. At this stage, it is relevant to note that the FIR names four persons as accused, namely, Petitioner No. 1, Petitioner No. 2, and two others, namely Vipin Chaurasia (real brother of Petitioner No. 1) and Savita Chaurasia (wife of Vipin Chaurasia and sister-in-law of Petitioner No. 1). Learned APP has pointed out that the present petition has been preferred only by Petitioner No. 1 and Petitioner No. 2, and that Vipin Chaurasia and Savita Chaurasia, though named in the FIR, are not present before this Court. Learned counsel for the Petitioners submits that despite best efforts, the said two persons have not come forward to join the present petition, and prays that the petition be considered qua the present Petitioners. This Court accordingly

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proceeds to consider the prayer for quashing only qua Petitioner No. 1 and Petitioner No. 2, and the observations herein have no bearing on any proceedings that may continue against Vipin Chaurasia and Savita Chaurasia, who are not parties to this petition.

10. During the pendency of the aforesaid proceedings, with the intervention of family members, relatives and well-wishers, the parties were able to resolve their matrimonial disputes amicably. A settlement agreement dated 14.01.2025 was accordingly executed between the Petitioner No.1 and Respondent No. 2.Pursuant thereto, the marriage between Petitioner No. 1 and Respondent No. 2 already stands dissolved by a decree of divorce by mutual consent dated 11.11.2025 passed by the learned Judge, Family Court, East District,Karkardooma Courts, Delhi.

11. As per the terms of the settlement, Petitioner No. 1 agreed to pay a sum of Rs. 4,65,000/- and Gold & Silver Ornaments (One Gold Mangalsutra, Two Gold Nose Rings (Nathni), One pair Ear Ring (Jhala), One pair Silver Pajeb, One pair Silver Hathfool, One Gold Ring Gents and One Gold Chain Gents) to the Respondent No. 2 towards full and final settlement of all her claims, including past, present and future maintenance, permanent alimony, stridhan, dowry articles and other matrimonial claims. The settlement amount was agreed to be paid in three instalments in the manner stipulated in the settlement agreement. It is submitted that the entire settlement amount has since been paid to Respondent No. 2.

12. Learned counsel for the Petitioners submits that the settlement has been arrived at parties' free will and volition and without any force, pressure, coercion or undue influence. It is further submitted that the Petitioners have duly complied with their obligations under the settlement

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agreement and the entire settlement amount stands paid to Respondent No. 2.

13. In view of the settlement, Respondent No. 2 has no surviving grievance against the Petitioners and does not wish to pursue the criminal proceedings any further. It is, therefore, contended that continuation of the criminal proceedings would serve no useful purpose and would rather amount to an abuse of the process of law.

14. Respondent No. 2 is present in the Court and has been duly identified by the Investigating Officer, namely, P Buno. The Petitioner no.1 and 2 are also present in the court and have been identified by their learned counsel.

15. Respondent No. 2 states that she has entered into the settlement out of her own free will and volition, without any fear, pressure, coercion or undue influence from any quarter. She further confirms having received the entire settlement amount of Rs. 4,65,000/- in terms of the settlement agreement dated 14.01.2025. She submits that all her disputes and differences with the Petitioners have been amicably resolved and that she has no objection if the impugned FIR and all consequential proceedings arising therefrom are quashed.

16. The Court has considered the submissions advanced by learned counsel for the parties and has perused the settlement agreement as well as the statement of Respondent No. 2.

17. At the outset, it is pertinent to observe that the offence punishable under Section 498A IPC is non-compoundable in terms of Section 320 Cr.P.C. Although the offence punishable under Section 406 IPC is compoundable with the permission of the Court under Section 320(2) Cr.P.C., since it arises out of the same transaction as the non-compoundable

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offence under Section 498A IPC, the Petitioners have rightly invoked the inherent jurisdiction of this Court under Section 528 BNSS (corresponding to Section 482 Cr.P.C.) rather than seeking formal compounding under Section 320 Cr.P.C. The inherent jurisdiction of this Court is distinct from the statutory power to compound offences, and is preserved to prevent abuse of the process of any Court and otherwise to secure the ends of justice. Consequently, the mere fact that the offence under Section 498A IPC is non-compoundable does not, by itself, place an embargo on the exercise of inherent jurisdiction, provided the facts and circumstances justify such interference.

18. In ***Gian Singh v. State of Punjab,*** **(2012) 10 SCC 303**, the Hon'ble Supreme Court explained the distinction between compounding of offences and exercise of inherent powers by the High Court. It was observed that criminal proceedings having an overwhelmingly and predominantly civil character, particularly those arising out of matrimonial relationships and family disputes, may be quashed where the parties have decided to resolve their disputes amicably. The Hon'ble Apex Court, however, cautioned that such power is to be exercised having regard to the nature and gravity of the offence and the impact of the alleged conduct on society.

19. The principles governing the exercise of inherent jurisdiction were further considered by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Laxmi Narayan & Ors.,*** **(2019) 5 SCC 688.** The Hon'ble Supreme Court reiterated that while considering a prayer for quashing on the basis of settlement, the High Court must examine the nature and gravity of the offence, the conduct of the accused, the circumstances in which the settlement has been arrived at, and whether continuation of the proceedings

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would serve any useful purpose. The power is not to be exercised mechanically merely because the parties have entered into a compromise.

20. More recently, in ***Navneesh Aggarwal & Ors. v. State of Haryana &Anr.,* 2025 INSC 963**, decided on 12.08.2025, the Apex Court considered criminal proceedings arising out of matrimonial discord involving Sections 406 and 498A IPC, amongst other provisions. The Court took note of the subsequent dissolution of marriage by mutual consent, the settlement between the parties and the complainant's 'no-objection' to the quashing of the proceedings. The judgment reinforces the importance of examining the subsequent developments in the matrimonial relationship while considering whether continuation of criminal proceedings would serve any legitimate purpose. Though the Hon'ble Supreme Court exercised its powers under Article 142 of the Constitution, the decision is instructive in appreciating the consequences of a comprehensive settlement in matrimonial disputes.

21. In ***Sunil Tomar v. The State of NCT of Delhi and Anr.* [CRL.M.C. 1741/2021, decided by High Court of Delhi on 12.04.2022],** this Hon'ble Court held that partial quashing or part quashing of FIR only qua the petitioner/ accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

22. Reverting to the facts of the present case, it is evident that the allegations forming the subject matter of the aforementioned FIR arise out of the matrimonial relationship between Petitioner No. 1 and Respondent No. 2 and the disputes which subsequently developed between them. The parties

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have now resolved their differences through a comprehensive settlement dated 14.01.2025.

23. Respondent No. 2, at whose instance the criminal machinery was set into motion, has unequivocally affirmed the settlement. She has acknowledged receipt of the entire settlement amount and has categorically stated that she does not wish to pursue the criminal proceedings and that no surviving grievance remains in that regard against the Petitioners.

24. This Court is conscious that the power under Section 528 BNSS is to be exercised sparingly and with circumspection. Nevertheless, the inherent jurisdiction is intended to prevent abuse of the process of law and to secure the ends of justice. In the present case, the subsequent settlement between the parties, its implementation, the statement of Respondent No. 2 and the predominantly matrimonial character of the dispute are circumstances which, taken cumulatively, persuade this Court to exercise its inherent jurisdiction.

25. In view of the aforesaid facts and circumstances, particularly the voluntary and comprehensive settlement between the parties, the receipt of the entire settlement amount by Respondent No. 2, her categorical no-objection to the quashing of the proceedings and the predominantly matrimonial nature of the dispute, this Court is satisfied that the continuation of the criminal proceedings would only prolong the litigation between the parties without serving any corresponding purpose in the administration of justice.

26. Accordingly, FIR No. 134/2024 dated 12.02.2024 registered at Police Station Kalyanpuri, Delhi, under Sections 498A/406/34 IPC and all

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consequential proceedings emanating therefrom, are hereby *quashed* qua the Petitioners.

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

VIMAL KUMAR YADAV, J

NOVEMBER 2, 2026/ps/ns

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