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

\# **CNR No. DLHC010530982026**

\+ CRL.M.C. 8255/2026

SHIV RATAN & ANR. .....Petitioners

Through: Petitioner no.1 in person with Mr. Sushant and Ms. Sakshi Tanwar Advs.
Petitioner no.2 Sita Devi is present (through VC).

versus

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

Through: Mr. Manoj Pant, APP for the State with IO SI Rajesh PS Palam Village, New Delhi.
Respondent no.2 in person with her father.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 03.11.2026

1. Hybrid mode.

2. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), corresponding to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ‘Cr.P.C.’), seeking quashing of FIR No. 100/2021 dated 12.03.2021 registered at Police Station Palam Village, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter referred to as ‘IPC’)alongwith all consequent proceedings emanating therefrom.

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3. The Petitioners invoke the inherent powers of this Court on the ground that the matrimonial dispute between the parties has already been settled amicably by way of a Mutual Settlement Agreement and a subsequent decree of divorce granted by the learned Judge, Family Court-01 South-West, New Delhi.

4. Briefly stated, the marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 22.07.2018 at New Delhi in accordance with Hindu rites and ceremonies. Out of the said wedlock, a girl child, namely, Ruchika was born on 14.02.2020. Petitioner No. 2 is the mother 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 10.07.2019. Since then, the parties have been residing separately.

5. 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.

6. Upon completion of the investigation, a chargesheet was filed under Sections 498A/406/34 of the IPC, against both the petitioners herein.

7. 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 13.05.2026 was accordingly executed between the Petitioner No.1 and 2, and Respondent No.2. Pursuant thereto, the marriage between Petitioner No. 1 and Respondent No. 2 was dissolved by a decree of divorce by mutual consent dated 31.08.2026 passed by the learned Judge, Family Court-01

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South-West, New Delhi.

8. As per the terms of the settlement, Petitioner No. 1 agreed to pay a sum of Rs. 8,00,000/- 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. It was further agreed between the parties that the minor child, namely, Ruchika shall remain in the sole custody of Respondent no.2. Petitioner no.1 and his family shall have visitation rights qua the minor child. The settlement amount was agreed to be paid in three instalments in the manner stipulated in the settlement agreement. It is submitted that Rs. 5,00,000 out of the total amount of Rs. 8,00,000 has since been paid to Respondent No. 2 and a *Demand Draft* of Rs. 3,00,000/- bearing no. 973295 drawn on State Bank of India Mangali Branch, Delhi dated 27.10.2026, is given to Respondent no.2 in Court today at the time of the quashing of the aforesaid FIR.

9. Learned counsel for the Petitioners submits that the settlement has been arrived at parties' on free will 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 agreement and the entire settlement amount stands paid to Respondent No. 2.

10. 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.

11. Petitioner no.1 and Respondent No. 2 is present in the Court and has been duly identified by the Investigating Officer SI Rajesh present in court

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today and Petitioner no.2 is present through VC and have been identified by their Counsel.

12. Complainant (Respondent No. 2) submits that she has arrived at an amicable settlement with the Petitioners of her own free will, volition, and without any fear, pressure, coercion or undue influence from anyone. She categorically confirms having received the entire settlement amount in terms of the Settlement Agreement dated 13.05.2026.

13. In view of the fact that all inter-se disputes and differences between the parties have been resolved peacefully, she submits that she does not wish to pursue the matter further and has no objection if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed by this Court in the exercise of its inherent powers under Section 482 Cr.P.C.

14. This 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.

15. 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 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.

16. The inherent jurisdiction of this Court is distinct from the statutory power to compound offences, and is preserved to prevent abuse of the

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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. The scope of the High Court's jurisdiction under Section 482 of CrPC to quash an FIR and the criminal proceedings emanating therefrom was examined by the Hon'ble Supreme Court in **State of Madhya Pradesh v. Laxmi Narayan & Ors**., (2019) 5 SCC 688.

17. The Hon'ble Apex 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 would serve any useful purpose. However, the power is not to be exercised mechanically merely because the parties have entered into a compromise.

18. In **Gian Singh v. State of Punjab,** (2012) 10 SCC 303, Hon'ble Supreme Court held that, "the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. The High Court may quash criminal proceedings pertaining to offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and

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continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."

19. The Hon'ble Supreme Court has, in the matter of **K. Srinivas Rao v. D.A. Deepa(2013)** 5 SCC 226, held, following Gian Singh (Supra), that a High Court may quash the criminal proceedings initiated in pursuance of an FIR alleging the commission of an offence described in Section 498A of the IPC, irrespective of the fact that such an offence is non-compoundable, if the parties reach an amicable settlement.

20. Coming back to the facts of the instant case, it is evident that the allegations forming the subject matter of the aforementioned FIR stem from the matrimonial relationship between Petitioner No. 1 and Respondent No. 2 and the disputes which subsequently developed between them. The parties have now resolved their differences through a comprehensive settlement dated 13.05.2026.

21. 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.

22. 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

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predominantly matrimonial character of the dispute are circumstances which, taken cumulatively, persuade this Court to exercise its inherent jurisdiction.

23. 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 dispute essentially of the private matrimonial nature, this Court is satisfied that the continuation of the criminal proceedings would not only prolong the litigation between the parties but would also be an impediment in their future settlement in life without serving any corresponding purpose in the administration of justice.

21. Accordingly, FIR No. 100/2021 dated 12.03.2021 registered at Police Station Palam Village, Delhi, under Sections 498A/406/34 IPC and all consequential proceedings emanating therefrom, are hereby quashed qua the Petitioners.

22. 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 3, 2026/*bj/NS*

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