$~62 (16.11.2026)

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

\# **CNR No. DLHC010545662026**

\+ CRL.M.C. 8454/2026 & CRL.M.A. 35404/2026

MOHD.ZAKI QURESHI .....Petitioner

Through: Mohd. Saleem, Mohd. Khurshid, Mohd. Nasir and Mohd. Nabeel, Advocates.

versus

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

Through: Ms. Kiran Bairwa, APP for State.
Mr. Mustafa Ali, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 17.11.2026

[This case is being taken up today as 16th November, 2026 was declared a holiday vide Notification No. 110/G-4/Genl.-I/DHC dated 11th November, 2026]

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], seeks quashing of FIR No. 416/2023 dated 6th October, 2023, registered at P.S. Chandni Mahal, Delhi, under Section 498A/406 of the Indian Penal Code, 1860 ["IPC"], and all consequential proceedings emanating therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 17th February, 2022, as per Muslim rites and ceremonies. The parties do not have

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any children from the marriage. Owing to matrimonial discord and temperamental differences, the relationship between the parties deteriorated, and they started living separately.

3. Subsequently, Respondent No. 2 lodged a complaint against the Petitioners, alleging that she was subject to cruelty, which later culminated into the subject FIR. Pursuant to the investigation, a chargesheet was filed under Section 498A IPC.

4. With the intervention of their family members and well-wishers, the parties eventually arrived at an amicable settlement, which was reduced to writing by way of a Memorandum of Understanding/Settlement Deed dated 25th December, 2025. In terms thereof, the parties agreed to dissolve their marriage. It was further agreed that the *istridhan*, jewellery, dowry articles and other belongings of Respondent No. 2 would be returned to her in full and final settlement of her claims, including those towards maintenance and alimony. In terms of the Settlement Deed, a sum of INR 1,44,000/- is payable to Respondent No. 2 by way of demand draft at the stage of quashing of the present FIR. In furtherance of the settlement, the process of dissolution of marriage by a *talaqnama* was completed on 13th March, 2026.

5. Respondent No. 2, who appears before the Court, is duly identified by the Investigating Officer. She confirms that the settlement dated 25th December, 2025, was arrived at voluntarily, without any force, pressure, coercion or undue influence. She states that she has no objection to the quashing of the subject FIR and all consequential proceedings. The demand draft for a sum of INR 1,44,000/- has been tendered to Respondent No. 2 in Court today, receipt whereof she duly acknowledges.

6. The Court has considered the aforesaid facts and submissions.

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Notably, the offence under Section 498A IPC is non-compoundable.

7. It is well settled that the power of the High Court under Section 482 CrPC [corresponding to Section 528 BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 CrPC. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution, having regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***[1], the Supreme Court held that criminal cases having an overwhelmingly and predominantly civil character, particularly those arising out of matrimonial relationships or family disputes, stand on a distinct footing where the parties have resolved their entire disputes. The Court further held that, in such cases, the High Court may quash the proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak, and continuation of the criminal proceedings would serve no useful purpose. These principles have similarly been reiterated in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. v. State of Gujarat & Anr***[2]**.**

8. Considering the nature of the dispute, the amicable settlement between the parties, the fact that the settlement has been acted upon and the subsequent dissolution of the marriage by mutual consent, this Court is of the opinion that the present case is a fit case for exercise of jurisdiction under Section 528 BNSS. Continuation of the criminal proceedings would serve no useful purpose and would only amount to an abuse of the process

[1] (2014) 6 SCC 466.
[2] (2017) 9 SCC 641.

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of the Court.

9. Accordingly, FIR No. 416/2023 dated 6th October, 2023, at P.S. Chandni Mahal, and all proceedings emanating therefrom, are hereby quashed.

10. The parties shall abide by the terms of settlement.

11. The present petition is disposed of in the aforesaid terms. Pending application(s), if any, shall also stand disposed of.

SANJEEV NARULA, J

NOVEMBER 17, 2026/*hc*

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