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

\# **CNR No. DLHC010552362026**

\+ CRL.M.C. 8546/2026, CRL.M.A. 35894/2026 & CRL.M.A. 35895/2026

LOVENISH UPADHYAY & ORS. .....Petitioner

Through: Mr. Alamine, Adv. with petition in person

versus

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

Through: Mr. Nawal Kishore Jha, APP
M: 9968257999
SI Madan Prasad, Insp. Harikesh
R-2 in person

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 20.11.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of the First Information Report ("FIR") being *FIR No. 221/2026* dated 19th May, 2026, registered at Police Station ("PS") Mahendra Park, North West District, Delhi, under Sections 115(2)/76/79/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), along with all the consequential proceedings arising therefrom, on the ground of settlement.

2. Issue notice. Notice is accepted by learned Additional Public Prosecutor ("APP") appearing for the State, i.e., respondent no. 1, as well as

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by respondent no. 2.

3. The petitioners and respondent no. 2 are present before this Court, and are duly identified by their respective counsels as well as the Investigating Officer ("IO"), who is also present before this Court.

4. The present petition is taken up for disposal with the consent of the parties.

5. As per the material on record, the relevant facts for adjudication of the present petition are as under:

5.1. The marriage between petitioner no. 1 and respondent no. 2 was solemnized according to Hindu rites and ceremonies and two children, i.e., a son and a daughter, were born out of the wedlock.

5.2. *FIR No. 221/2026* came to be registered at the instance of respondent no. 2 against petitioner no. 1, and his family members. Petitioner nos. 2 and 3 are the father-in-law and brother-in-law of respondent no. 2, respectively.

5.3. As per the FIR, a marital dispute arose between petitioner no. 1 and respondent no. 2 over the preparation of food, which allegedly escalated into a physical altercation with the other petitioners and resulted in injuries on the face of respondent no. 2.

6. The petitioners and respondent no. 2 jointly submit that the parties have already settled the matter by executing a Settlement Deed dated 04th August, 2026, wherein, they have agreed to resolve all their disputes and grievances.

7. This Court is also informed that petitioner no. 1 and respondent no. 2 have been living together for the last three months.

8. Upon interaction with respondent no. 2, she confirms that she has been living with her husband, i.e., petitioner no. 1, and other family members for the last three months.

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9. In response to a specific query from the Court, she further submits that the parties have two children, aged 10 and 11 years.

10. This Court has also interacted with petitioner no. 1, who submits that the parties are now living together happily.

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

12. Learned APP appearing for the State submits that in view of the fact that petitioner no. 1 and respondent no. 2 have already been living together for the last three months, the State has no serious objection to the present petition.

13. It is well settled that the High Courts may exercise their inherent powers under Section 528 of the BNSS to 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. The ultimate guiding factors in such cases must be to secure the ends of justice and prevent the abuse of the process of law.

14. Since the present case concerns a matrimonial dispute, reference may be made to the case of ***Jitendra Raghuvanshi and Others Versus Babita Raghuvanshi and Another, (2013) 4 SCC 58***, wherein, the Supreme Court has held that the High Courts are empowered to quash an FIR in cases pertaining to 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*
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> ***14. 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***

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> ***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 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)*

15. Considering the fact that the parties have already settled the matter, and that petitioner no. 1 and respondent no. 2 are living together happily, this Court finds no impediment in allowing the present petition.

16. Accordingly, *FIR No. 221/2026* dated 19th May, 2026, registered at PS Mahendra Park, North West District, Delhi, under Sections 115(2)/76/79/3(5) of the BNS, and all the consequential proceedings emanating therefrom, are hereby quashed.

17. The present petition, along with all pending applications, stands disposed of in the aforesaid terms.

MINI PUSHKARNA, J

NOVEMBER 20, 2026/KR

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