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

\# **CNR No. DLHC010625682024**

\+ CRL.M.C. 7426/2024

KUNAL @ KUKKU & ORS. .....Petitioners

Through: Petitioner No.1in person with Mr. Arun Sharma, Advocate (through VC).

versus

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

Through: Mr. Raghuvender Verma, APP for the State with SI Rahul Ranjan PS Harsh Vihar.
Respondent no.2 Upasana in person with Mr. A.K. Chowdhary and Mr. Shivam Sharma, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 17.11.2026

Matters listed on 16.11.2026 are being taken up today as 16.11.2026 was declared holiday on account of Chhath Puja *vide* notification no.110/G-4/Genl.-I/DHC dated 11.11.2026

1. Hybrid mode.

2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 'BNSS', erstwhile Section 482 of the Code of Criminal Procedure, 1973 'Cr.P.C.', seeking quashing of FIR No. 165/2019 dated 17.04.2019 registered at police station Harsh Vihar, Delhi,

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under Sections 498A, 406 and 34 of the Indian Penal Code, 1860 ('IPC') and under Section 4 of Dowry Prohibition Act, 1961 (hereinafter referred to as the Act) as well as all proceedings emanating therefrom on the ground that the parties have amicably resolved their disputes.

3. Issue notice.

4. Learned APP accepts notice on behalf of the State. Learned counsel for Respondent No. 2 appears on advance service and accepts notice. Petitioners and Respondent No. 2 are present in court and have been duly identified by the Investigating Officer, SI Rahul Ranjan PS Harsh Vihar, and their respective counsels as well.

5. 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 Memorandum of Understanding (hereinafter referred to as "MoU") dated 17.05.2022 agreed upon by both the parties as an out of court settlement.

6. Briefly stated, the marriage between Petitioner No. 1 and Respondent No. 2 was solemnised on 11.07.2013 in accordance with Hindu rites and ceremonies. A girl child, namely, Ms. Ginni Sharma was born out of the said wedlock. Owing to certain matrimonial differences and temperamental incompatibility, disputes arose between Petitioner No. 1 and Respondent No. 2, resulting in their separation on 24.07.2018. Since then, the parties have been residing separately.

7. Based on the complaint made by the Respondent No. 2, alleging harassment and cruelty, the aforementioned FIR came to be registered against the Petitioners.

8. During the pendency of the aforesaid proceedings, the parties were

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able to resolve their matrimonial disputes amicably. An MOU dated 17.05.2022 was accordingly executed between the Petitioner No.1 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 15.03.2023 passed by the learned Principal Judge, Family Court, Shahadara, Karkardooma Courts, Delhi.

9. As per the terms of the MOU, Petitioner No. 1 agreed to pay a sum of Rs. 7,00,000/- 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. The settlement amount was agreed to be paid in four instalments in the manner stipulated in the MOU. It is submitted that Rs. 5,00,000/- out of the total amount of Rs. 7,00,000/- has been paid to Respondent No. 2 and a Demand Draft of Rs. 2,00,000/- bearing No. 559624 drawn on State Bank of India, Dilshad Garden Branch, dated 07.11.2026 is being handed over to the Respondent No. 2 in the Court today.

10. Learned counsel for the Petitioners submits that the settlement has been arrived at parties' own 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.

11. 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 but a futile exercise and would rather amount to an abuse of the process of law.

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12. Respondent No. 2 is present in the Court and has been duly identified by the Investigating Officer, namely, SI Rahul Ranjan. The Petitioner No.1 is also present in the Court and have been identified by their Counsel.

13. 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 MoU dated 17.05.2022. 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., whereas Section 4 of the Act are non-compoundable. 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

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secure the ends of justice. Consequently, the mere fact that the offence under Section 498A IPC, and Section 5 of the Act is non-compoundable does not, by itself, place an embargo on the exercise of inherent jurisdiction, provided the facts and circumstances justify such interference.

16. 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.** 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.

17. 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 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."*

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18. 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 criminalproceedings 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.

19. In ***Naushey Ali vs. State of U.P.*****, (2025) 4 SCC 78**, Hon'ble Supreme Court observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.

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 MOU dated 17.05.2022.

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

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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.

23. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR. Accordingly, FIR No. 165/2019 dated 17.04.2019 registered at Police Station Harsh Vihar, Delhi, under Sections 498A/406/34 IPC and Section 4 of the Act all consequential proceedings emanating therefrom, are hereby *quashed* qua the Petitioners.

24. 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 17, 2026/ny

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