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

\+ CRL.M.C. 6925/2025

MOHIT KUMAR & ORS. .....Petitioners

Through: Ms. Asha Yadav, Advocate

versus

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

Through: Ms. Manjeet Arya, APP for State.
R-2 in Person.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 18.03.2026

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 642/2022, dated 06.10.2022, registered at Police Station Raj Park, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Respondent No. 2 is present in person, and accepts notice. Respondent No. 2 states that she does not wish to avail the assistance of a counsel.

3. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer ["IO"].

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Respondent No. 2 is also present in person, and is identified by the IO.

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

5. The impugned FIR is registered at the instance of respondent No.2, who was the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1. Petitioner Nos. 4 and 5 are the sisters of petitioner No. 1.

6. The petitioner No. 1 and respondent No. 2 were married on 29.06.2020. No child was born from the wedlock. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 23.02.2022.

7. Respondent No.2 lodged a formal complaint before the Crime against Women Cell, and the same culminated into the impugned FIR, against five accused persons, being her husband, parents-in-law, and two sisters-in-law.

8. A chargesheet was subsequently filed against the petitioners herein.

9. During the pendency of the proceedings, the parties have entered into a settlement, recorded in a Settlement Deed dated 19.01.2024, under the aegis of the Counselling Cell, Rohini Courts.

10. The parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

11. Pursuant to the settlement, the marriage has been dissolved by a decree of divorce by mutual consent by the Family Court on 04.11.2024.

12. In light of the aforesaid, parties seek quashing of the impugned FIR.

13. Although the offence under Section 498A of IPC is non-compoundable, the Supreme Court has clearly held that, in certain

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circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

14. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*[1] has held as follows:

> "*58. Where the High Court quashes a criminal proceeding having regard to the fact that the* ***dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.*** *No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute,* ***where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal***

[1] (2012) 10 SCC 303.

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proceedings, justice shall be casualty and ends of justice shall be defeated. *The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.*"[2]

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*[3], the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:
(i) ends of justice, or
(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while

[2] Emphasis supplied.
[3] (2014) 6 SCC 466.

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working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."[4]

15. In the present case, the proceedings between the parties arise out of a matrimonial relationship, which has already culminated in a decree of divorce. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

16. The settlement contemplates payment of a sum of Rs. 4,50,000/- to respondent No. 2, who states that Rs. 3,00,000/- has already been received by her. The balance amount of Rs. 1,50,000/- has been received by her in Court today. There is therefore no impediment to the grant of the relief sought.

17. Having regard to the above discussion, the petition is allowed, and FIR No. 642/2022 dated 06.10.2022, registered at Police Station Raj

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Park, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

18. The parties will remain bound by the terms of the settlement.

19. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 18, 2026
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[4] Emphasis supplied.

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