



\$~22

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

+ CRL.M.C. 6984/2025

DEEPAK GUPTA AND ORS.

.....Petitioners

Through: Mr. Dhurendra Kumar Dubey, Adv
Mr. Apoorv Gupta, Advocate.

versus

THE STATE N.C.T. OF DELHI AND ANR.Respondents

Through: Mr. Yudhvair Singh Chauhan, APP.
SI Md. Salik Khan, PS-Mandawali.
Mr. Ravi Jain, Ms. Shelli Jain,
Advocates for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **08.04.2026**

1. The petitioners have filed the present 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 the quashing of FIR No. 325/2022 dated 18.04.2022, registered at Police Station Mandawali Fazalpur, District East, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom, on the ground that the parties have amicably settled their disputes.
2. Issue notice. Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor, accepts notice on behalf of the State. Notice is accepted by Mr. Ravi Jain, learned counsel, on behalf of respondent No. 2.
3. The petition is taken up for disposal with consent of learned



counsel of parties.

4. The present FIR has been 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.

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 08.05.2009, as per Hindu rites and ceremonies. Due to matrimonial discord and differences in temperament, the parties have been living separately since 17.12.2019. Two children have been born of the marriage, whose custody remains with respondent No. 2.

6. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, Shahdara, Delhi, on 14.10.2021, against the petitioners alleging that she was subjected to continuous physical and mental cruelty, humiliation, and harassment for bringing insufficient dowry. On the basis of the said complaint, the subject FIR was registered on 18.04.2022.

7. Upon completion of investigation, a chargesheet was filed in August 2023. The matter remains pending before the Judicial Magistrate First Class (Mahila Court), District East, Karkardooma Courts, and is next listed on 10.07.2026 for "*Misc./Appearance*".

8. During the pendency of the proceedings, the parties have amicably settled all their disputes at the Family Court, East District, Karkardooma Courts, Delhi, and pursuant to this, a Settlement Agreement was executed between them on 20.12.2024. The settlement provides for payment of a total sum of Rs. 4,00,000/- to respondent No. 2 in full and final discharge of all claims arising from the marriage. The custody of the minor children was to remain with respondent No. 2, and visitation rights were granted to



the father - petitioner No. 1.

9. Pursuant to the settlement, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent, passed by the Family Court in HMA No. 606/2025 on 24.04.2025.

10. In light of the aforesaid, the parties seek quashing of the impugned FIR and consequential proceedings emanating therefrom.

11. The petitioners are present in Court and are identified by their learned counsel as well as by the Investigating Officer [“IO”]. Respondent No. 2 is also present in person and is identified by her learned counsel and the IO.

12. Learned counsel for the parties have confirmed that the settlement was entered into voluntarily, without any coercion or undue influence, and therefore, the petitioners seek the quashing of the impugned FIR.

13. Although the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has held that, in suitable circumstances, High Courts may, in exercise of their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings, even for non-compoundable offences, where a compromise has been reached between the accused and the complainant, provided that such quashing does not adversely affect any broader public interest.

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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 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 criminal proceedings arise out of a matrimonial relationship that has already been dissolved by a decree of divorce. Applying the principles laid down by the Supreme Court, respondent No. 2 has unequivocally stated before this Court that the Settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to lead to a conviction and would merely serve as a procedural formality, thereby imposing an unnecessary burden on the justice system and diverting valuable judicial resources without serving any meaningful purpose.

16. The settlement contemplates payment of Rs. 4,00,000/- to be made to respondent No. 2 by petitioner No. 1. Respondent No. 2 confirms before the Court that a sum of Rs. 3,00,000/- has already been paid to her. The balance amount of Rs. 1,00,000/- is handed over to respondent No. 2 in Court today. There is, therefore, no impediment to the grant of the relief sought.

17. In view of the foregoing, the petition is allowed, and FIR No. 325/2022 dated 18.04.2022, registered at Police Station Mandawali Fazalpur, District East, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

19. It is, however, clarified that the settlement and the present order shall not, in any manner, affect the rights of the minor children, whose custody shall continue to remain with respondent No. 2.

⁴ Emphasis supplied.



20. The petition accordingly stands disposed of.

APRIL 8, 2026
'Bhupi/JM'/

PRATEEK JALAN, J