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

+ **CRL.M.C. 7039/2025**

NITIN BHARDWAJ & ORS.

.....Petitioners

Through: Mr. Anuj Jain with Mr. Jai Gaba,
Advocates with petitioners in
person.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Hitesh Vali, APP for State with
SI Anita and SI Rajesh Kumar
P.S.Najafgarh.
Mr. Shekhar Nanavaty, for
respondent No. 2 with respondent
No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.02.2026

1. The petitioners have preferred this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), seeking quashing of FIR No. 289/2018 dated 10.10.2018, registered at Police Station Najafgarh, District Dwarka, Delhi, under Sections 498A/406/354/34 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Shekhar Nanavaty, learned counsel, accepts notice on behalf of respondent No.2.



3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. The impugned FIR was registered at the instance of respondent No.2, who was the wife of petitioner No. 1.
5. The petitioner No. 1 and respondent No. 2 were married on 27.11.2015 as per Hindu rites and ceremonies. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 22.03.2017. No child was born from the wedlock.
6. Respondent No.2 lodged a complaint on 10.10.2018 against her husband and his parents, i.e., the petitioners herein, alleging mental and physical cruelty inflicted upon her in connection with demands of dowry. Based upon the said complaint, the impugned FIR came to be registered.
7. Upon completion of investigation, a chargesheet has been filed. The case [Criminal Case No. 515/2020] is pending before the Court of the Judicial Magistrate First Class, South-West District, Dwarka Courts, for recording of prosecution evidence.
8. The parties have entered into a settlement under the aegis of the Counselling Cell, Family Courts, District Dwarka, which has been recorded in a Settlement Deed dated 07.10.2024. Under the said settlement, they have agreed to dissolve their marriage by mutual consent and to resolve all pending disputes arising out of the matrimonial proceedings and the subject FIR. Petitioner No. 1 has agreed to pay a total sum of Rs. 2,00,000/- to respondent No. 2 in three instalments, towards full and final settlement of all her claims, including maintenance and permanent alimony.



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 by the Principal Judge, Family Court, Dwarka Courts, on 10.07.2025 [in HMA No. 647/2025].

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

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 Mr. Nanavaty and the IO. Respondent No. 2 submits before this Court that the allegations under Section 354 of the IPC were levelled against her father-in-law on account of a misunderstanding, stemming from the matrimonial dispute.

12. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

13. The Supreme Court has clearly held that, in certain 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**

¹(2012) 10 SCC 303.



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 adequate treatment to the settlement between the parties and exercising

²Emphasis supplied.

³ (2014) 6 SCC 466.



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

⁴Emphasis supplied.



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. Respondent No. 2 has affirmed before this Court that the allegations under Section 354 of the IPC arose out of a misunderstanding arising from the marital discord. Applying the tests laid down by the Supreme Court, and noting that respondent No. 2 has categorically affirmed the voluntary nature of the settlement before this Court, it appears that the likelihood of conviction is remote. Continuation of the criminal proceedings would be an empty formality, adding to the burden on the justice system and resulting in unnecessary consumption of judicial time and public resources.

16. The settlement contemplates payment of a total sum of Rs. 2,00,000/- to respondent No. 2. She states that she has received Rs. 1,50,000/- till date. The remaining amount of Rs. 50,000/- has been paid by Demand Draft to respondent No. 2 by petitioner No. 1 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. 289/2018 dated 10.10.2018, registered at Police Station Najafgarh, District Dwarka, Delhi, under Sections 498A/354/406/34 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

FEBRUARY 26, 2026/‘pv/JM’/