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

+ **CRL.M.C. 7090/2025**

JITENDER SINGH AND ORS

.....Petitioner

Through: **Mr. Aldeo Sharan, Advocate.**

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR

.....Respondent

Through: **Ms. Manjeet Arya, APP alongwith
Mr. Abhimanyu Arya, Adv. SI
Parmender Kumar, PS-Nihal
Vihar.**

Appearance for R-2 not given.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.04.2026

1. The petitioners have instituted the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], which (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), seeking the quashing of FIR No. 1325/2020 dated 23.12.2020, registered at Police Station Sultanpuri under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground that the parties have arrived at an amicable settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Learned counsel, accepts notice on behalf of respondent No.2.



3. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer. Respondent No. 2 is also present in person and is identified by her learned counsel as well as by the Investigating Officer.
4. The petition is taken up for disposal with the consent of learned counsel for the parties.
5. Petitioner No. 1 and respondent No. 2 were married on 13.12.2018 in accordance with Hindu rites and ceremonies. Owing to matrimonial discord and irreconcilable temperamental differences, the parties have been living separately since March 2019, and no child has been born out of the said wedlock.
6. The impugned FIR was registered at the instance of respondent No. 2, who is the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are, the mother and sister of petitioner No. 1, respectively.
7. Respondent No. 2 initially lodged a formal complaint before the Crime Against Women Cell, which subsequently culminated in the registration of the impugned FIR dated 23.12.2020 against the petitioners.
8. The parties have entered into a settlement, which has been recorded in a Memorandum of Understanding dated 09.01.2023. Although the said settlement does not expressly stipulate the monetary terms, it is submitted that the disputes between the parties have been amicably resolved for a sum of Rs.1,00,000/-, paid towards full and final settlement, including permanent and future alimony to respondent No. 2.
9. Learned counsel for the parties submit that the settlement has been arrived at voluntarily, without any coercion or undue influence.
10. Pursuant thereto, the marriage between the parties stands dissolved



by a decree of divorce by mutual consent, passed by the Family Court in HMA No. 1010/2024 on 16.04.2024.

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

12. Although the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that, in appropriate cases, the High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, even in respect of such non-compoundable offences, where the parties have amicably resolved their disputes and no overriding public interest is adversely affected.

13. 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,

¹ (2012) 10 SCC 303.



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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

14. In the present case, the proceedings arise out of a matrimonial dispute, which has already culminated in the dissolution of marriage by a decree of divorce. Applying the principles laid down by the Supreme Court, it is noteworthy that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily. In such circumstances, the likelihood of a conviction is remote, and the continuation of the criminal proceedings would serve no useful purpose, amounting merely to an empty formality that would unnecessarily burden the justice delivery system and lead to wastage of valuable public resource.

15. The settlement envisages the payment of a sum of Rs.1,00,000/- to



respondent No. 2, which has been paid to her today and duly received in full. In view thereof, no impediment survives to the grant of the reliefs sought in the present petition.

16. In view of the foregoing, the present petition is allowed, and FIR No. 1325/2020 dated 23.12.2020, registered at Police Station Sultanpuri under Sections 498A, 406, and 34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 2, 2026

'Bhupi'/SD/

⁴ Emphasis supplied.