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

+ CRL.M.C. 7292/2025

MANISH AND ORS

.....Petitioner

Through: Mr. Tushar Malhotra, Mr. Madan Lal and Mr. Nitin Aggarwal, Advocates with Petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Hitesh Vali, APP with SI Nirankar Nagar, P.S. Mehrauli. Mr. Ayaz Ahmed, Advocate for R2 with R2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.05.2026

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. 381/2021 dated 20.06.2021, registered at Police Station Mehrauli, District South, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], on the ground of settlement between the parties.

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



complainant.

3. The parties are present in Court, and have been duly identified by their respective learned counsel as well as the Investigating Officer.

4. Petitioner No. 1 and respondent No. 2 were married on 23.11.2017. However, due to matrimonial discord and temperamental differences between the parties, they have been living separately since 15.10.2019. No child was born from the wedlock.

5. Subsequently, respondent No. 2 lodged a formal complaint before the Crime against Women Cell on 28.01.2021, which culminated into the impugned FIR against four accused persons, being her husband, parents-in-law, and sister-in-law [petitioners herein].

6. Petitioner No. 1 and respondent No. 2 had settled their disputes under the aegis of the Counselling Cell, Family Court, Central District, Tis Hazari, Delhi, as recorded in a comprehensive settlement dated 15.02.2024. The settlement contemplated payment of a sum of Rs. 6,25,000/- by petitioner No. 1 to respondent No. 2 towards the full and final settlement of all disputes, and an amount of Rs. 4,00,000/- had already been received by respondent No. 2 in terms of the settlement. However, during the pendency of the present petition, certain disputes arose, as recorded in the order dated 29.04.2026, which reads as follows:

“2. Although a settlement was entered into on 15.02.2024, under the aegis of the Counselling Cell, Family Court, Central District, Tis Hazari, Delhi, the parties were, once again, referred to mediation vide order dated 4.10.2025, in view of the submission of respondent No. 2 that certain disputes remained unresolved.

3. Petitioner No. 1 and respondent No. 2, are present in Court, and represented by their respective counsel.

4. The settlement dated 15.02.2024 provided for payment of the last instalment of the settlement amount, i.e. Rs. 2,25,000/-, at the time of quashing of the impugned FIR. The dispute between the parties



appears to be on account of the present petition having been filed belatedly. However, it is now agreed between petitioner No. 1 and respondent No. 2 that the settlement amount may be enhanced by a sum of Rs. 25,000/- on account of the delay, and the proceedings be quashed on this basis.

5. The petitioners and respondent No. 2 are directed to file their respective affidavits signifying their agreement to this enhancement of the settlement amount, before the next date of hearing.

6. To enable the petitioners to remain present and make payment of the amount of Rs. 2,50,000/-, list on 08.05.2026.”

7. Although neither the petitioners nor respondent No. 2 have filed their affidavits, learned counsel for both sides state that the settlement is acceptable to them. The petitioners have also brought a Banker's Cheque in favour of respondent No. 2 for the remaining amount of Rs. 2,50,000/-. The statement of respondent No. 2, confirming receipt of the said amount and affirming her no-objection to the quashing of the impugned FIR, has been recorded in Court. She made her statement in Hindi, which I have translated into English. The original copy of the statement shall be kept with the Registry in a sealed cover, and a copy, with the name of respondent No. 2 redacted, shall be available on the electronic record of the Court.

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

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 on 19.09.2024.

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

11. Although the offence under Section 498A of the IPC is non-



compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], 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.

12. 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

¹ (2012) 10 SCC 303.



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.

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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

13. 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 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.

14. The settlement amount of Rs. 6,25,000/-, as well as the additional amount of Rs. 25,000/- in terms of the order dated 29.04.2026, has been received by respondent No. 2. There is, therefore, no impediment to the grant of the relief sought.

15. Having regard to the above discussion, the petition is allowed, and FIR No. 381/2021 dated 20.06.2021, registered at Police Station Mehrauli, District South, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.



16. The parties will remain bound by the terms of the settlement.
17. The petition accordingly stands disposed of.

MAY 8, 2026
'SV/KA'/'

PRATEEK JALAN, J

⁴ Emphasis supplied.