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

+ **CRL.M.C. 7489/2025**

HARBIR SINGH & ANR.

.....Petitioner

Through: Mr. Dinesh Kumar, Mr. Saurabh
Malik, Mr. Vikas Kumar, Mr.
Amrendra Nath Shukla, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Hitesh Vali, APP with SI
Lokendra.
Mr. Prem Singh, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.03.2026

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 partial quashing of FIR No. 69/2017 dated 06.03.2017, registered at Police Station Swaroop Nagar, District North-West, New Delhi, 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. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Prem Singh, learned counsel, accepts notice on behalf of respondent No. 2 – complainant.
3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. Respondent No. 2 and the son of the petitioners were married on 13.07.2016. However, due to matrimonial discord and temperamental



differences, they have been living separately since 2017. No child was born from the wedlock.

5. Subsequently, respondent No. 2 filed a formal complaint with the Crime against Women Cell, which culminated into the registration of the impugned FIR against three accused persons, namely, her husband and parents-in-law. The allegations therein pertain to acts of cruelty and demands for dowry.

6. Upon completion of the investigation, a chargesheet was filed under Sections 498A/406/34 of the IPC, read with Section 4 of the Dowry Prohibition Act, 1961 [“the DP Act”], against the petitioners herein. The chargesheet notes that the husband of respondent No. 2 is absconding, and that a supplementary chargesheet will be filed once he is found.

7. Mr. Dinesh Kumar, learned counsel for the petitioners, and Mr. Vali, upon instructions from the Investigating Officer, state that the husband of respondent No. 2 has been untraceable for approximately 10 years.

8. Respondent No. 2 and the petitioners have since settled their disputes amicably, as recorded in a Memorandum of Understanding dated 29.05.2025 [“MoU”]. In light of the aforesaid, the parties seek quashing of the impugned FIR.

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

10. The MoU records that the parties have amicably settled their disputes, without any force, coercion, or undue influence. Learned counsel for the parties confirm the said position.

11. Although the offences under Section 498A of the IPC and Section



4 of the DP Act are 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 and Anr.* [(2012) 10 SCC 303], 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 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.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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.

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.”

[Emphasis supplied.]

13. While one of the accused persons – the husband of respondent No.2 – is neither a party to the MoU nor to the present petition, a coordinate Bench of this Court, in *Sunil Tomar v. The State of NCT of Delhi and Anr.* [CRL.M.C. 1741/2021, decided on 12.04.2022], has, while relying upon a judgment of the Supreme Court in *Lovely Salhotra and Anr. v. State (NCT of Delhi) and Anr.* [(2018) 12 SCC 391], held that partial quashing of FIRs on account of settlement is permissible. The relevant observations are as follows:

“9. Partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties. Reliance can be placed on ***Poonam Khanna vs. State & Ors in Crl.M.C.No. 3690/2016 Dated 30.01.2018.***

10. In ***Lovely Salhotra and Anr. vs. State, NCT of Delhi (2017 SCC Online SC 636)***, in paragraph 4 and 7, it is observed and held as under:

“4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2— herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos.2, 3, 4 and 6 prima facie.



7. Accordingly, we set aside the order of the High Court and quash the FIR qua the appellants- herein.””

14. As noted above the husband of respondent No. 2 is stated to have been untraceable for approximately 10 years. In these circumstances, I am of the view that this is a fit case for quashing of the impugned FIR as against the petitioners herein.

15. The present arises out of a matrimonial relationship, which has since been settled by way of a compromise. 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.

16. Having regard to the above discussion, the petition is allowed, and FIR No. 69/2017 dated 06.03.2017, registered at Police Station Swaroop Nagar, District North-West, New Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed, qua the petitioners herein.

17. The petition accordingly stands disposed of.

18. It is made clear that, in the event the husband of respondent No. 2 is traced, proceedings shall continue against him in accordance with law.

PRATEEK JALAN, J

MARCH 30, 2026/SS/KA/