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

+ CRL.M.C. 7526/2025

BRIJ MOHAN KUMAR AND ORS

.....Petitioners

Through: Mr. Rajbir Singh Sagar, Advocate
with Petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

.....Respondent

Through: Mr. Hitesh Vali, APP with SI Priti,
P.S. Khajoori Khas.
Mr. Ram Kumar, Advocate with
R2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.05.2026**

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. 375/2021 dated 26.07.2021, registered at Police Station Khajuri Khas, District North-East, Delhi, under Sections 328/354/354B/406 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. Ram Kumar, 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. Petitioner No. 1 and respondent No. 2 were married on 07.05.2019. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 13.09.2020. No child was born from the wedlock.
5. Subsequently, respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, pursuant to which the impugned FIR came to be registered against six accused persons, namely, her husband, mother-in-law, brothers-in-law, and sister-in-law [petitioners herein], alleging acts of mental and physical cruelty, as well as demands for dowry.
6. Mr. Vali submits that the investigation remains pending, as the complainant has not been forthcoming, and the chargesheet is yet to be filed.
7. Petitioner No. 1 and respondent No. 2 have since entered into a Memorandum of Understanding/Settlement dated 11.09.2023. In view of the aforesaid, the parties seek quashing of the impugned FIR.
8. The parties are present in Court, and have been duly identified by their respective counsel as well as the Investigating Officer.
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 16.01.2025.
10. The settlement contemplates payment of a sum of Rs. 2,75,000/- by petitioner No. 1 to Respondent No. 2 towards full and final settlement. I am informed that an amount of Rs. 1,80,000/- has already been paid in



terms thereof. A demand draft for the balance amount of Rs. 95,000/- has been handed over to respondent No. 2 in Court.

11. The parties confirm that the settlement has been entered into voluntarily, without any force or coercion. Respondent No. 2 has also filed her no-objection affidavit before this Court, and submits that the allegations under Sections 354 and 354B of the IPC against her brothers-in-law [respondent Nos. 3 and 4 herein], arose out of a misunderstanding stemming from matrimonial strife, and that she does not wish to pursue the same.

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

13. Although the offences under Sections 328, 354, and 354B of the IPC 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 CrPC [corresponding to Section 528 of 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. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.*¹, which 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

¹ (2012) 10 SCC 303.



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 and Ors. v. State of Punjab and 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

14. 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, and stated that the allegations under Sections 354 and 354B of the IPC arose from a misunderstanding in the backdrop of matrimonial discord, which no

⁴ Emphasis supplied.



longer subsists in view of the amicable resolution between the parties. 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.

15. As noted above, the settlement amount of Rs. 2,75,000/- has been received by respondent No. 2. There is, therefore, no impediment to the grant of the relief sought

16. Having regard to the above discussion, the petition is allowed, and FIR No. 375/2021 dated 26.07.2021, registered at Police Station Khajuri Khas, District North-East, Delhi, under Sections 328/354/354B/406 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MAY 14, 2026
'pv/KA'/