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

+ **CRL.M.C. 7888/2025**

GAUSE AALAM BANZARA & ORS.Petitioners

Through: Mr. Deepak Choudhary and Mr.
Manmeet Singh, Advocates
alongwith P-1to 3

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP for the State
with Ms. Pragati Gupta and Mr.
Samar Singh, Advocates alongwith
SI Ruby, P.S.-Inderpuri and ASI
Suresh Kumar, P.S.-Traffic
Safdarjung Circle
Mr. Dilip Kumar, Advocate for R-
2 alongwith R-2
Mr. Abhinav Sekhri, Amicus
Curiae

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **04.02.2026**

CRL.M.A. 33051/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 7888/2025

1. The petitioners have filed the present 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. 203/2022 dated 21.03.2022, registered at Police Station Inderpuri, West, Delhi, under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 [“IPC”], alongwith all proceedings emanating therefrom, on the ground that the disputes between the parties have been amicably settled.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Dilip Kumar, 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. Petitioner Nos. 2 and 3 are the mother and sister of petitioner No. 1, respectively.

5. Petitioner No. 1 and respondent No. 2 were married on 03.01.2019. Thereafter, respondent No. 2 purportedly converted her religion to Islam, and a *Nikah* ceremony between the parties was solemnised on 02.10.2019, in accordance with Muslim rites, customs, and ceremonies. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 16.06.2021. One female child was born from the relationship on 14.05.2019.

6. Respondent No. 2 lodged a complaint before the Crime Against Women Cell, which culminated in the registration of the impugned FIR on 21.03.2022 against the petitioners.

7. A charge-sheet was subsequently filed on 01.12.2023, and the matter is presently pending before the learned Judicial Magistrate First Class, Mahila Court, Patiala House Courts, New Delhi.



8. During the pendency of the criminal proceedings, the parties asserted that they had amicably resolved their disputes by entering into a Memorandum of Understanding dated 19.01.2023, pursuant to which respondent No. 2 accepted a sum of Rs. 1,00,000/- from petitioner No. 1 towards full and final settlement of all claims.

9. On the basis of the said understanding, the parties jointly filed a suit, being CS. No. 20/2023, seeking dissolution of their marriage by mutual consent before the learned Principal Judge, Family Court, Patiala House Courts, New Delhi. In the facts of the case, the said suit, however, came to be dismissed by order dated 08.10.2024, on the ground of maintainability holding, *inter-alia*, that there was no valid marriage between petitioner No.1 and respondent No.2.

10. Thereafter, the present petition seeking quashing of the impugned FIR was filed on the basis of the aforesaid settlement. This Court, by order dated 10.11.2025, observed that the disputes between the parties could not be said to be fully and finally resolved, particularly in light of the uncertainty regarding the status of the marriage between the parties, and custody/visitation arrangements with respect to the minor child.

11. In the aforesaid circumstances, and with a view to facilitating a comprehensive and meaningful resolution of all outstanding issues between the parties, this Court deemed it appropriate to refer the parties to mediation. The Court also appointed Mr. Abhinav Sekhri, learned counsel, as *Amicus Curiae* to assist the parties in this regard.

12. Pursuant to the mediation proceedings conducted under the aegis of *Samadhaan* – Delhi High Court Mediation and Conciliation Centre, the parties engaged in detailed discussions, reconsidered their earlier



understanding, and ultimately arrived at a mediated settlement agreement dated 02.02.2026, duly executed by the parties, and signed by their learned counsel, as well as the learned Mediator.

13. Under the said settlement, the parties have accepted the judgment dated 08.10.2024 passed by the learned Family Court holding that no valid marriage subsisted between them. The settlement provides that custody of the minor female child shall remain with petitioner No. 1, with visitation rights in favour of respondent No. 2 as earlier agreed between the parties in the Settlement Deed dated 19.01.2023. It is further recorded that respondent No. 2 has received a sum of Rs. 1,00,000/- in full and final satisfaction of all monetary claims arising out of the relationship. The parties have also agreed to jointly seek quashing of the impugned FIR and have undertaken not to interfere in each other's lives or to initiate any further civil or criminal proceedings against each other or their respective family members. The settlement thus constitutes a comprehensive, final, and voluntary resolution of all disputes between the parties.

14. Mr. Sekhri, learned *Amicus Curiae*, has also placed on record a report dated 19.12.2025, wherein, after independently interacting with the parties and the minor child, as well as participating in the mediation proceedings, he has opined that the settlement arrived at between the parties, particularly with respect to the custody arrangements concerning the minor child, has been entered into consciously and in a manner consistent with the child's welfare. The report notes that the minor child is well-adjusted in her paternal home, is receiving appropriate emotional, educational, and familial support, and that the decision for custody to vest



with the father [petitioner No.1 herein], with structured visitation rights in favour of the mother [respondent No.2 herein], appears to be guided by and aligned with the best interests of the child.

15. The parties are present in person before this Court and are duly identified by their respective learned counsel as well as by the Investigating Officer. They have undertaken to abide by the terms of the mediated settlement agreement dated 02.02.2026.

16. Learned counsel for the parties further confirm that the settlement has been entered into voluntarily, of the parties' own free will, and without any coercion, pressure, or undue influence.

17. In light of the aforesaid, the parties seek quashing of the impugned FIR and all proceedings arising therefrom.

18. Although the offence under Section 498A IPC is non-compoundable, it is well settled that the High Court, in exercise of its inherent powers under Section 528 BNSS (corresponding to Section 482 CrPC), may quash criminal proceedings even in respect of non-compoundable offences where the dispute is essentially private in nature and the parties have settled their differences, provided that no overriding public interest is affected.

19. 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

¹ (2012) 10 SCC 303.



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 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:

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

20. Applying the aforesaid principles to the facts of the present case, it is evident that the proceedings arise out of a matrimonial relationship and attendant family disputes. Respondent No. 2 has unequivocally affirmed



before this Court that the settlement has been entered into voluntarily and that she does not wish to pursue the criminal proceedings any further. In these circumstances, the possibility of the proceedings culminating in a conviction is remote, and their continuation would serve no useful purpose, while unnecessarily burdening the criminal justice system.

21. The settlement contemplates payment of a sum of Rs. 1,00,000/- to respondent No. 2, which she states has already been received in full. There is, therefore, no impediment to the grant of the relief sought.

22. Having regard to the foregoing discussion, the petition is allowed, and FIR No. 203/2022 dated 21.03.2022, registered at Police Station Inderpuri under Sections 498A, 406, and 34 IPC, along with all consequential proceedings arising therefrom, is hereby quashed.

23. The parties shall remain bound by the terms of the mediated settlement agreement dated 02.02.2026.

24. The petition accordingly stands disposed of.

25. It is, however, clarified that the settlement and the present order shall not, in any manner, affect the rights and entitlements of the minor child, whose welfare shall continue to be of paramount consideration.

26. This Court expresses its appreciation for the valuable assistance rendered by Mr. Sekhri, learned *Amicus Curiae*, in the course of the proceedings.

PRATEEK JALAN, J

FEBRUARY 4, 2026

dy/SD/

⁴ Emphasis supplied.