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

+ **CRL.M.C. 8011/2025&CRL.M.A. 11878/2026**

AMARDEEP AND ORS.

.....Petitioner

Through: Ms. Meera Kaura Patel,
(DHCLSC) with Ms. Zainab
Hussain, Advocate alongwith
Petitioners in Person.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
SI Dhananjay Gupta, PS Kirti
Nagar.
Appearance not given for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.05.2026

CRL.M.A. 11878/2026 (for impleadment)

1. By order dated 13.11.2025, it was submitted that one of the accused, Azad, had not been arrayed as a party to the captioned petition.
2. Pursuant thereto, the present application has been filed seeking impleadment of Azad Gautam as petitioner No. 4 in the captioned petition.
3. For the reasons stated in the application, the same is allowed. Azad Gautam is accordingly impleaded as petitioner No. 4, and the amended memo of parties is taken on record.
4. The application accordingly stands disposed of.



CRL.M.C. 8011/2025

1. The present petition has been filed by the petitioners 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. 436/2013 dated 21.11.2013, registered at Police Station Kirti Nagar under Sections 498A/406/34 of the Indian Penal Code, 1860 [“IPC”], alongwith all consequential proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State, while learned counsel appearing 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 Court, and is identified by her learned counsel and 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 15.05.2011, and one daughter was born out of the said wedlock on 03.05.2013. Owing to matrimonial discord and temperamental differences, disputes arose between the parties, pursuant to which they have been living separately since 21.05.2013.
6. The impugned FIR came to be registered at the instance of respondent No. 2, who, at the relevant time, was the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, while



petitioner No. 4 is his brother.

7. During the pendency of the proceedings, the parties amicably resolved all their disputes, which settlement was reduced into writing by way of a Settlement Deed dated 19.07.2018. In terms thereof, it was agreed that petitioner No. 1 would hand over possession of the e-rickshaw bearing registration No. DLI 1ER1191, alongwith all relevant documents and the NOC for transfer, in favour of respondent No. 2. It was further agreed that petitioner No. 1 would pay a total sum of Rs. 40,000/- to respondent No. 2 towards full and final settlement of all claims pertaining to past, present and future maintenance/alimony. The said amount was agreed to be paid in three instalments, namely, Rs. 20,000/- at the time of execution of the Settlement Deed and recording of statements in the first motion petition under Section 13-B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs. 10,000/- at the time of recording of statements in the second motion petition under Section 13-B(2) of the HMA; and the remaining Rs. 10,000/- at the time of quashing of the present FIR.

8. It was further agreed between the parties that the permanent custody of the minor daughter would remain with respondent No. 2, and that petitioner No. 1 would not claim any visitation rights. The parties also agreed that respondent No. 2 would have no claim, present or future, over any self-acquired or inherited property of petitioner No. 1, whether standing in her own name or in the name of the minor daughter.

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

10. Pursuant to the aforesaid settlement, the marriage between petitioner No. 1 and respondent No. 2 stands dissolved by a decree of



divorce by mutual consent vide order dated 15.11.2018, passed by the learned Family Court in HMA No. 3547/2018.

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

12. Although the offence punishable under Section 498A of the IPC is non-compoundable, the Supreme Court has consistently held that, in appropriate cases, the High Courts may, in exercise of their inherent powers under Section 528 of the BNSS [corresponding to Section 482 of the CrPC], quash criminal proceedings even in respect of non-compoundable offences on the basis of a settlement arrived at between the accused and the complainant, particularly where no overriding public interest is adversely affected by such quashing.

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,

¹(2012) 10 SCC 303.



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:

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

²Emphasis supplied.

³ (2014) 6 SCC 466.



(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 emanate from a matrimonial dispute between the parties, whose marriage has already been dissolved by a decree of divorce by mutual consent. The FIR in question pertains to the year 2013, and the disputes between the parties were amicably settled in the year 2018. A considerable period of time has thus elapsed since the registration of the FIR as well as the execution of the settlement. In these circumstances, continuation of the criminal proceedings would serve no fruitful purpose and would only result in perpetuating animosity between the parties, who have already resolved their disputes and moved on in

⁴Emphasis supplied.



their respective lives.

15. Although the Settlement Deed provides that respondent No. 2 shall have no claim over any self-acquired or inherited property of petitioner No. 1, it is clarified that the said clause is confined to the *inter se* rights of the parties, and shall not affect any independent legal rights or entitlements of the minor daughter.

16. Applying the principles laid down by the Supreme Court, this Court notes that respondent No. 2 has unequivocally affirmed before the Court that the settlement has been entered into voluntarily, out of her own free will, and without any coercion or undue influence. In view of the amicable resolution of disputes between the parties, the possibility of the criminal proceedings culminating in a conviction appears remote and bleak. Consequently, continuation of the proceedings would serve no useful purpose and would merely amount to an empty formality, unnecessarily burdening the criminal justice system and consuming valuable judicial time and public resources.

17. In terms of the settlement arrived at between the parties, petitioner No. 1 had agreed to pay a total sum of Rs. 40,000/- to respondent No. 2, out of which an amount of Rs. 30,000/- has already been received by her. The remaining balance amount of Rs. 10,000/- has been handed over to respondent No. 2 in Court today, by way of a Demand Draft. There is, therefore, no impediment in granting the relief sought.

18. In view of the foregoing, the present petition is allowed. Consequently, FIR No. 436/2013 dated 21.11.2013, registered at Police Station Kirti Nagar under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings emanating therefrom, stands quashed.



19. The parties shall remain bound by the terms of the settlement.
20. Bail bonds, if any, stand discharged.
21. The petition, alongwith any pending applications, accordingly stands disposed of.
22. It is, however, expressly made clear that the settlement and the present order shall not, in any manner, affect the independent rights and entitlements of the minor child in accordance with law, whose custody shall continue to remain with respondent No. 2.

PRATEEK JALAN, J

MAY 11, 2026

'pv'/SD/