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

+ **CRL.M.C. 8060/2025**

PRATEEK KUMAR GOGNA & ORS.Petitioners

Through: **Ms. Santosh Dixit, Advocate.**

versus

**THE STATE (GOVT. OF N.C.T.
OF DELHI) & ANR.**

.....Respondents

Through: **Ms. Manjeet Arya, APP. SI Pankaj
Kumar, PS-Jyoti Nagar.
Mr. Ram Mohan Singh, Advocate
for R-2.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 10.04.2026

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. 488/2024 dated 21.11.2024, registered at Police Station Jyoti Nagar, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of State, and Mr. Ram Mohan Singh, learned counsel, accepts notice on behalf of respondent No. 2.
3. The petitioners are present in Court and have been identified by



their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and has been 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. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 22.10.2023 in accordance with Hindu rites and customs, and no child was born out of the wedlock. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 21.01.2024.

6. The impugned FIR was registered pursuant to a formal complaint lodged before the Crime Against Women Cell at the instance of respondent No. 2, who was, at the relevant time, the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, and petitioner No. 4 is his sister.

7. During the pendency of the proceedings, the parties have entered into a settlement, which has been recorded in a Settlement Deed dated 03.06.2025. The said settlement does not entail any monetary consideration; however, it has been agreed that the parties shall hand over certain gold articles and jewellery to each other. It has further been agreed that respondent No. 2 shall not, in future, raise any claim towards maintenance (past, present, or future), nor claim any stridhan, or assert any right, title, or interest in the movable or immovable properties of petitioner No. 1 or his family members.

8. It is submitted that the parties have received their respective gold articles and jewellery in terms of the settlement at the time of the first



motion petition under the Hindu Marriage Act, 1955 [“HMA”].

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

10. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent dated 12.08.2025 passed in HMA No. 1441/2025.

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

12. Although an offence under Section 498A of the IPC is non-compoundable, it has been clearly held by the Supreme Court that the High Courts may, in appropriate cases, exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, including those involving non-compoundable offences, on the basis of a settlement between the accused and the complainant, particularly where no larger public interest is adversely impacted.

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

¹ (2012) 10 SCC 303.



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:

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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 matter, the dispute between the parties stems from a matrimonial relationship, which already stands dissolved by a decree of divorce. Upon applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily. In such

⁴ Emphasis supplied.



circumstances, the likelihood of conviction is minimal, and the continuation of the proceedings would serve no useful purpose, instead resulting in unnecessary burden on the judicial system and avoidable expenditure of public resources.

15. The settlement does not contemplate any monetary consideration between the parties and merely records the exchange of gold articles and jewellery at the time of the first motion, which, as stated by the parties, has already been duly effected. There is, therefore, no impediment to the grant of the relief sought.

16. In view of the foregoing, the petition is allowed, and FIR No. 488/2024 dated 21.11.2024, registered at Police Station Jyoti Nagar, Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 10, 2026

'Bhupi'/SD/