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

\+ CRL.M.C. 8083/2025, CRL.M.A. 33739/2025

AMIT KUMAR AND ORS. .....Petitioner

Through: Ms. Neha Kapila and Mr. Muzammil, Advocates

versus

THE GOVT. OF NCT OF DELHI AND ANR. .....Respondent

Through: Ms. Manjeet Arya, APP with SI Ajay PS Prasad Nagar
Ms. Sindhu Sakkarwal and Mr. Hitender Sakkarwal, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 25.03.2026

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. 258/2023 dated 19.05.2023, registered at Police Station Prasad Nagar under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Sindhu Sakkarwal, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petitioners are present in Court and are identified by their

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learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in person and is identified by her learned counsel and the Investigating Officer.

4. The petition is taken up for disposal with consent of learned counsel of parties.

5. The marriage between petitioner No. 1 and respondent No. 2 was solemnised on 10.03.2015. On account of matrimonial discord and differences of temperament, the parties have been living separately since 20.10.2021, and one child has been born of the marriage.

6. The present FIR was registered on 19.05.2023 at the instance of respondent No. 2 against her husband, petitioner No. 1, and petitioner Nos. 2 and 3, who are the mother and sister of petitioner No. 1, respectively. A chargesheet in the matter was subsequently filed on 16.04.2024.

7. It may be noted that petitioner No. 1 was arrested on 15.11.2023 and subsequently released on bail by the Trial Court on 18.11.2023.

8. During the pendency of the proceedings, the disputes between petitioner No. 1 and respondent No. 2 were referred to mediation. The parties have since amicably resolved all their differences at the Mediation Centre, Rohini Courts, Delhi, pursuant to which a Settlement Agreement was executed between them on 26.10.2024.

9. The settlement contemplates payment of a total sum of Rs.8,00,000/- to respondent No. 2, towards full and final settlement of all claims arising out of the marriage, including *istridhan*, permanent alimony, maintenance (past, present and future), maintenance of the minor child, and all other incidental expenses.

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10. The said amount is to be paid in a phased manner, namely, Rs.2,00,000/- at the time of recording of statements in the first motion petition under Section 13B(1) of the Hindu Marriage Act, 1955 ["HMA"]; Rs.2,00,000/- at the time of recording of statements in the second motion petition under Section 13B(2) of HMA; and Rs.2,00,000/- at the time of filing of the quashing of the impugned FIR. In addition, respondent No. 1 shall create an FDR of Rs.2,00,000/- in the name of the minor son for a period of six years, under the guardianship of respondent No. 2, and hand over the same at the time of recording of statements in the second motion petition.

11. A cheque of Rs.2,00,000/- has been handed over to respondent No.2 in Court today.

12. The Settlement Agreement further contemplates dissolution of the marriage by mutual consent. Pursuant thereto, the marriage has been dissolved by a decree of divorce by mutual consent in HMA No. 1088/2025, passed by the Principal Judge, Family Courts, North-West, Rohini Courts, Delhi, on 15.07.2025.

13. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure. The petitioners therefore seek quashing of the impugned FIR.

14. While the offence under Section 498A of the IPC is non-compoundable, the Supreme Court has held that, in appropriate circumstances, High Courts may exercise their powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, even in relation to non-compoundable offences, where a compromise has been reached between the accused and the

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complainant, particularly when such quashing does not prejudice any larger public interest.

15. 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, 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]

[1] (2012) 10 SCC 303.
[2] Emphasis supplied.

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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***
> ***(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***

[3] (2014) 6 SCC 466.

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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]

16. In the present case, the criminal proceedings arise out of a matrimonial relationship that has already been dissolved by a decree of divorce. In accordance with the principles laid down by the Supreme Court, it is noted that respondent No. 2 has categorically affirmed the voluntary and *bona fide* nature of the settlement before this Court. Furthermore, an amount of Rs. 2,00,000/- has already been paid, and the full settlement amount has been discharged, leaving no impediment to the relief sought by the petitioners. In these circumstances, the continuation of the criminal proceedings is unlikely to result in any conviction and would serve only as a formal exercise, unnecessarily burdening the justice system and consuming public resources.

17. In view of the foregoing, the petition is allowed, and FIR No. 258/2023 dated 19.05.2023, registered at Police Station Prasad Nagar under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

18. Bail bonds, if any, stand discharged.

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

20. It is clarified that the child is a minor and remains in the custody of his mother, respondent No. 2, and nothing contained in this order shall, in

[4] Emphasis supplied.

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any manner, affect the custody, guardianship, or any other rights of the minor child.

21. The petition, alongwith the application, accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 25, 2026
SV/SD/

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