



\$~34

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

+ **CRL.M.C. 8154/2025 & CRL.M.A. 34074/2025**

MOHIT DAHIYA & ORS.

.....Petitioners

Through: Mr. Deepak Godara, Mr. Ishant Shokeen and Mr. Deepansh Jakhar, Advocates with petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for State with SI Ramavtar, PS Maidan Garhi and SI Ram Kumar
Ms. Usha Yadav, Advocate with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

28.03.2026

This petition was scheduled to be listed on 02.03.2026 but has been listed today, as 02.03.2026 was declared a holiday *vide* Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.

1. The petitioners have instituted 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. 79/2023 dated 20.02.2023, registered at Police Station Maidan Garhi under Sections 498A, 406, 354, and 34 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings emanating therefrom, on the ground that the parties have amicably



resolved their disputes through a settlement.

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

3. The petitioners are present, and are identified by their 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 the consent of learned counsel for the parties.

5. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell on 07.04.2022, which culminated in the registration of the impugned FIR on 20.02.2023 against the present petitioners. The FIR was registered at her instance in relation to her matrimonial dispute with petitioner No. 1, who is her husband. Petitioner No. 2 and petitioner No. 3 are her mother-in-law and father-in-law, respectively, while petitioner Nos. 4 to 9 are other family members of petitioner No. 1.

6. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 28.02.2020. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 14.02.2022. One daughter was born out of the wedlock on 10.12.2020.

7. During the pendency of the proceedings, the parties amicably resolved their disputes and reduced the terms into writing by way of a Memorandum of Understanding dated 15.05.2025, whereby petitioner No. 1 agreed to pay a total sum of Rs. 1,20,00,000/- to respondent No. 2 towards full and final settlement of all claims, including dowry,



permanent alimony, and maintenance (past, present, and future), encompassing all expenses relating to the minor daughter.

8. The agreed amount was to be paid in stages, namely, Rs.35,00,000/- at the time of recording statements in the first motion petition under Section 13B(1) of the Hindu Marriage Act, 1955 [“HMA”]; Rs. 35,00,000/- at the time of recording statements in the second motion petition under Section 13B(2) of the HMA; Rs.20,00,000/- by way of a fixed deposit in the name of the minor daughter, with respondent No. 2 as nominee, to be handed over at the time of the second motion; and the final instalment of Rs. 30,00,000/- at the time of quashing of the present FIR, which has been handed over in Court today. It was further agreed that the custody of the minor child shall remain with respondent No. 2, with specified visitation rights to petitioner No. 1 as mutually agreed between the parties.

9. Respondent No. 2 has clarified that the allegations under Section 354 IPC arose out of a misunderstanding stemming from matrimonial discord and differences in temperament, and has further affirmed that she does not wish to pursue the proceedings against the petitioners.

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

11. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent passed by the Family Court on 27.08.2025 in HMA No. 701/2025.

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

13. The Supreme Court has consistently held that, in appropriate cases



involving non-compoundable offences, the High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings on the basis of a settlement arrived at between the parties, particularly where the dispute is essentially private in nature and such quashing would not adversely affect any overarching public interest.

14. 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

¹ (2012) 10 SCC 303.



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

(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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

15. In the present case, the dispute stems from a matrimonial relationship, which now stands dissolved by a decree of divorce by mutual consent. In light of the principles laid down by the Supreme Court, it is apparent that respondent No. 2 has unequivocally stated before this Court that the settlement was arrived at voluntarily and without any coercion or undue influence. She has further clarified that the allegations under Section 354 IPC arose from a misunderstanding in the backdrop of matrimonial discord and no longer subsist in view of the amicable resolution between the parties. In these circumstances, the likelihood of conviction is remote, and the continuation of the criminal proceedings would serve no useful purpose, being merely an empty formality and an unnecessary burden on the judicial system.

16. The settlement envisages the payment of a total sum of Rs.1,20,00,000/- to respondent No. 2, who has confirmed that the entire amount has already been received by her. There, thus, remains no impediment to the grant of the relief sought.

17. In view of the foregoing, the petition is allowed, and FIR No. 79/2023 dated 20.02.2023, registered at Police Station Maidan Garhi under Sections 498A, 406, 354, and 34 of the IPC, alongwith all

⁴ Emphasis supplied.



consequential proceedings arising therefrom, is hereby quashed.

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

19. The petition accordingly stands disposed of.

20. It is, however, clarified that the settlement and the present order shall not, in any manner, affect the rights of the minor child, whose custody shall continue to remain with respondent No. 2.

PRATEEK JALAN, J

MARCH 28, 2026

'sv'/SD/