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

+ **CRL.M.C. 8467/2025 & CRL.M.A. 35385/2025**

VIJAY PAL & ORS.

.....Petitioners

Through: Mr. Vivek Kumar Gaurav,
Advocate.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State.
SI Abmika, PS SB Diary.
Mr. Trilok Kumar,
Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.02.2026

1. The petitioners have filed this 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. 377/2021 dated 14.07.2021, registered at Police Station Shahbad Dairy, District Outer North, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.
2. The FIR was registered at the instance of respondent No. 2 - Anju Khatri, who is the wife of petitioner No. 1 - Vijay Pal. The other petitioners are family members of petitioner No. 1.
3. Issue notice. Mr. Hitesh Vali, learned Additional Public



Prosecutor, accepts notice on behalf of the State. Mr. Trilok Kumar, learned counsel, accepts notice on behalf of respondent No.2.

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

5. The petitioner No. 1 and respondent No. 2 were married on 12.06.2015 at New Delhi in accordance with Hindu rites and ceremonies. From the wedlock, one daughter was born. Respondent No. 2 also had a daughter from her prior marriage, who was adopted by petitioner No. 1. Due to temperamental differences, the parties started residing separately from March 2017.

6. On a complaint filed before the Crime Against Women Cell, FIR No. 0377/2021 dated 14.07.2021 came to be registered at P.S. Shahbad Dairy under Sections 498A/406/34 IPC. After investigation, the chargesheet was filed on 04.06.2022 and the matter is pending as Criminal Case No. 9841/2022 before the Court of the learned Judicial Magistrate First Class (Mahila Court), Rohini Courts, Delhi.

7. During the pendency of the proceedings, with the intervention of family members and well-wishers, the parties amicably resolved their matrimonial disputes by way of settlement agreement dated 19.11.2025 and have been residing together since 25.05.2025 at VPO Kheri Asra, District Jhajjar, Haryana, along with their minor daughters.

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

9. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer ["IO"]. Respondent No. 2 is also present in person, and is identified by her



learned counsel and the IO.

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

11. Although the offence under Section 498A of IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

12. 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,*

¹ (2012) 10 SCC 303.



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
(ii) to prevent abuse of the process of any court.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

13. In the present case, the dispute between the parties arises out of a matrimonial relationship, which has since been amicably settled. As petitioner No. 1 and respondent No. 2 have reconciled and resumed cohabitation, the continuation of criminal proceedings would serve only to disrupt their marital life, and adversely affect the welfare of their minor children. In accordance with the principles laid down by the Supreme Court, it is significant that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to culminate in any conviction and

⁴ Emphasis supplied.



would operate merely as a procedural formality, thereby imposing an undue burden on the justice system and diverting public resources without serving any legitimate judicial purpose.

14. Having regard to the above discussion, the petition is allowed, and FIR No. 377/2021 dated 14.07.2021, registered at Police Station Shahbad Dairy, District Outer North, Delhi, under Section 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

15. The parties will remain bound by the terms of the settlement.

16. The petition, alongwith the pending application, accordingly stands disposed of.

17. It is, however, made clear that the settlement and the present order will not, in any way, affect the rights of the minor children.

PRATEEK JALAN, J

FEBRUARY 20, 2026

'pv/JM'/'