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

+ CRL.M.C. 8806/2025

THAN SINGH & ANR.

.....Petitioners

Through: Mr. Parmil Kumar, Advocate.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP.

R-2 in person.

ASI Vikram Singh, PS: Karawal
Nagar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.05.2026**

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. 368/2019 dated 19.09.2019, registered at Police Station Karawal Nagar, North East, under Sections 498A, 406, and 34 of the Indian Penal Code, 1860, as well as Section 4 of the Dowry Prohibition Act, 1961, along with all consequential proceedings arising therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Respondent No. 2 is present in person and, being an advocate herself, submits that she does not require legal assistance.



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 Court and has been identified by the Investigating Officer.

4. The petition is taken up for disposal with the consent of learned counsel for the petitioner, as well as respondent No.2.

5. Petitioner No. 1 and respondent No. 2 were married on 02.12.2015 in accordance with Hindu rites and ceremonies. No child was born from the said wedlock. However, owing to matrimonial discord and temperamental differences, the parties have been living separately since 14.01.2021.

6. The impugned FIR has been registered at the instance of respondent No. 2, who, at the relevant time, was the wife of petitioner No. 1. Petitioner No. 2 is the father of petitioner No. 1.

7. Respondent No. 2 lodged a formal complaint before the Crime Against Women Cell, on the basis of which the impugned FIR was registered. I am further informed that during the pendency of the proceedings, the mother of petitioner No. 1 passed away on 18.01.2023, and accordingly, the proceedings against her stand abated. A copy of the death certificate has been annexed along with the petition.

8. During the pendency of the proceedings, the parties have amicably settled all their disputes by way of a Settlement Deed dated 09.05.2022, without any monetary consideration. Respondent No. 2, who is present in Court, affirms the settlement and states that she has entered into the same voluntarily, without any coercion, undue influence, or pressure, and that she has no subsisting grievance against the petitioners.



9. Learned counsel for the petitioners, and respondent No.2 confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

10. Pursuant to the settlement between the parties, the marriage has been dissolved by a decree of divorce by mutual consent vide order dated 27.09.2022 passed by the learned Family Court in HMA No. 612/2022.

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

12. Although offences under Section 498A of the Indian Penal Code are non-compoundable, the Supreme Court has consistently held that the High Courts may, in appropriate cases, exercise their inherent powers under Section 528 of BNSS (corresponding to Section 482 of CrPC) to quash criminal proceedings, even in respect of such offences. This jurisdiction may be invoked where the parties have amicably resolved their disputes through a compromise, particularly when such settlement does not affect any overriding public interest.

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 case, the proceedings between the parties arise out of a matrimonial relationship, which has already been brought to an end by a decree of divorce. Applying the principles laid down by the Supreme Court, it is noted that respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In these

⁴ Emphasis supplied.



circumstances, the continuation of the criminal proceedings is unlikely to culminate in a conviction and would, therefore, serve no useful purpose, amounting to an empty formality that unnecessarily burdens the criminal justice system and expends public resources.

15. It is further noted that although the settlement does not involve any monetary consideration, respondent No. 2, who is herself an advocate, has stated that she is fully satisfied with the terms thereof. In view of the aforesaid, there is no impediment to the relief sought.

16. Having regard to the aforesaid discussion, the present petition is allowed. Consequently, FIR No. 368/2019 dated 19.09.2019, registered at Police Station Karawal Nagar, under Sections 498A, 406, and 34 of the Indian Penal Code, 1860, and Section 4 of the Dowry Prohibition Act, 1961, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition, alongwith pending applications, accordingly stands disposed of.

PRATEEK JALAN, J

MAY 5, 2026

SS/SD/