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

+ CRL.M.C. 8873/2025 & CRL.M.A.37019/2025

VIPIN @ VIPIN KUMAR & ORS.Petitioners

Through: Mr. S.P. Kaushik, Advocate.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP for State
with SI Virender Kumar, PS
Narela.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

1. The petitioners have approached this Court by way of 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. 407/2021 dated 04.09.2021, registered at Police Station Narela, for offences punishable under Sections 498A, 406 and 34 of the Indian Penal Code, 1860, on the basis of an amicable settlement arrived at between the parties.
2. The aforesaid FIR was registered at the instance of respondent No. 2, who is the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, petitioner No. 4 is his sister, and petitioner No. 5 is his maternal aunt.
3. Petitioner No. 1 and respondent No. 2 were married on 10.07.2019.



Owing to temperamental differences, the parties could not cohabit harmoniously and have been living separately since 21.06.2020. No child has been born out of the said wedlock.

4. Subsequent to leaving the matrimonial home, respondent No. 2 initiated proceedings before the Crime Against Women Cell, Rohini, on 07.09.2020, which ultimately culminated in the registration of the present FIR against the petitioners. The charge-sheet in the said matter was filed on 29.09.2021.

5. The parties have amicably resolved their disputes and entered into a settlement, which has been duly recorded in a Settlement Agreement dated 06.03.2023. In terms of the said settlement, the petitioners have agreed to pay respondent No. 2, a total sum of Rs.4,40,000/- towards full and final settlement of all her claims arising out of the matrimonial relationship.

6. The parties have jointly affirmed before this Court that the settlement has been arrived at voluntarily, of their free will, and without any coercion, undue influence, or pressure.

7. In view of the aforesaid settlement and the resolution of all *inter se* disputes between the parties, the petitioners seek to quash the impugned FIR and all proceedings emanating therefrom.

8. The petitioners are present before this Court and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in Court and has been duly identified by her learned counsel and the Investigating Officer.

9. The Settlement Deed further envisaged dissolution of the marriage between petitioner No. 1 and respondent No. 2 by mutual consent upon



receipt of the entire settlement amount. Pursuant thereto, the marriage between the parties has been dissolved by a decree of divorce by mutual consent passed in HMA No. 674/2023 by the learned Principal Judge, Family Courts, North District, Rohini Courts, Delhi, on 16.10.2023.

10. Although an offence under Section 498A of the IPC is non-compoundable in nature, the Supreme Court has unequivocally held that, in appropriate cases, the High Courts may exercise their inherent jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to quash criminal proceedings even in respect of non-compoundable offences, where the dispute has been amicably settled between the accused and the complainant, and where such quashing does not impinge upon any overriding public interest.

11. 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,

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



(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

12. In the present case, the proceedings between the parties arise out of a matrimonial relationship, which has already culminated in a decree of divorce. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

⁴ Emphasis supplied.



13. The settlement executed between the parties contemplates the payment of Rs.4,40,000/- to respondent No. 2, which she has confirmed having received in full. In view of this, there exists no impediment to the grant of the relief sought by the petitioners.

14. In view of the foregoing, the petition is allowed, and FIR No. 407/2021 dated 04.09.2021, registered at Police Station Narela under Sections 498A, 406, and 34 of the IPC, together with all consequential proceedings arising therefrom, is hereby quashed.

15. The parties shall continue to be bound by the terms of the settlement.

16. The petition accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026/'pv'/SD/