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

+ CRL.M.C. 9036/2025

JITENDER AND ORS.

.....Petitioners

Through: Mr. Uma Shanker Vats, Mr.
Sandeep Kaushik, Mr. Hariom
Yadav, Mr. Varun, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)
AND ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Advocate.
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.05.2026

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. 127/2021 dated 03.04.2021, registered at Police Station Vijay Vihar, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Respondent No. 2 also



appears and accepts notice in person and states that she does not wish to avail the assistance of counsel.

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

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

5. The impugned FIR came to be 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 brother of petitioner No. 1, while petitioner Nos. 3 and 4 are his mother and father, respectively.

6. Petitioner No. 1 and respondent No. 2 were married on 24.11.2016 in accordance with Hindu rites and ceremonies, and one son was born out of the wedlock on 20.03.2018. Owing to matrimonial discord and temperamental differences, the parties have been living separately since 01.01.2019.

7. Respondent No. 2 lodged a complaint before the Crime Against Women Cell, which subsequently culminated in the registration of the impugned FIR against the petitioners herein.

8. A chargesheet was subsequently filed, pursuant to which offences under Section 354 IPC against petitioner No. 2 and Section 377 IPC against petitioner No. 1 were also added.

9. The parties have entered into a settlement, recorded in a Memorandum of Understanding dated 14.11.2024, whereby petitioner No. 1 has agreed to return the articles belonging to respondent No. 2 and to pay a total sum of Rs. 6,50,000/- towards full and final settlement of all



claims of respondent No. 2 pertaining to permanent alimony and maintenance, whether past, present, or future, as well as towards the maintenance and education expenses of the minor child. The said amount is to be paid in three instalments. It has been agreed that the first instalment of Rs. 2,00,000/- shall be paid at the time of recording of statements in the first motion proceedings, alongwith the return of articles. Thereafter, the parties shall proceed with the second motion petition, at which stage petitioner No. 1 shall pay the second instalment of Rs. 2,00,000/- and shall also create an FDR in the name of the minor child. It has further been agreed that, upon dissolution of marriage by way of divorce, petitioner No. 1 shall pay the third and final instalment of Rs. 2,50,000/- at the time of quashing of the FIR. The parties have also agreed that the custody of the minor child shall remain exclusively with respondent No. 2 and that petitioner No. 1 shall not claim any visitation rights.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure. Respondent No. 2 specifically states that she is satisfied with the terms of settlement.

11. Learned counsel for the parties submit that the settlement has been arrived at voluntarily, out of the free will of the parties, and without any coercion, undue influence, or pressure. Respondent No. 2 also states that she is satisfied with the terms and conditions of the settlement.

12. Pursuant to the settlement arrived at between the parties, their marriage stands dissolved by a decree of divorce by mutual consent passed by the learned Family Court on 08.05.2025.



13. Respondent No. 2 is present in person and submits that the allegations under Sections 354 and 377 of the IPC arose out of a misunderstanding in the course of the matrimonial dispute between the parties.

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

15. The Supreme Court has consistently held that, in appropriate cases, the High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 CrPC) to quash criminal proceedings, including proceedings relating to non-compoundable offences, where the parties have amicably resolved their disputes and where such quashing does not adversely affect any overriding public interest.

16. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

17. In the present case, the disputes between the parties emanate from a matrimonial relationship, which has since been dissolved by a decree of divorce. Respondent No. 2 has also appeared before this Court and stated that the allegations under Sections 354 and 377 IPC arose out of a misunderstanding in the backdrop of the matrimonial discord between the parties. Having regard to the principles laid down by the Supreme Court, and considering that respondent No. 2 has unequivocally affirmed that the settlement has been entered into voluntarily and without any coercion,

⁴ Emphasis supplied.



this Court is of the view that the possibility of conviction in the present case is remote. In such circumstances, continuation of the criminal proceedings would serve no useful purpose and would merely result in unnecessary prolongation of litigation and wastage of valuable judicial time and public resources.

18. In terms of the settlement, petitioner No. 1 had agreed to pay a total sum of Rs. 6,50,000/- to respondent No. 2, out of which an amount of Rs. 4,00,000/- has already been received by her. The remaining balance amount of Rs. 2,50,000/- has been handed over to respondent No. 2 in Court today. Accordingly, no impediment survives in granting the relief sought in the present petition.

19. In view of the foregoing discussion, the present petition is allowed, and FIR No. 127/2021 dated 03.04.2021, registered at Police Station Vijay Vihar under Sections 498A/406/34 IPC, along with all consequential proceedings arising therefrom, is hereby quashed.

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

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

22. It is, however, made clear that the settlement and the present order will not, in any way, affect the rights of the minor child, whose custody remains with the respondent No. 2.

PRATEEK JALAN, J

MAY 20, 2026
'B'/SD/