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

+ CRL.M.C. 9121/2025, CRL.M.A. 38148/2025

ASHIN & ORS.

.....Petitioners

Through: Mr. Partap Singh & Mr. Arun
Yadav, Advocates.

versus

STATE THROUGH SHO PS NARELA
NEW DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State.
Mr. Neeraj Kr. Kardam, Adv for
R-2 with R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
28.04.2026

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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. 133/2022, dated 10.03.2022, registered at Police Station Narela, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of State, and Mr. Neeraj Kr. Kardam, learned counsel, accepts notice on behalf of respondent No. 2.
3. Petitioners are present in Court 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. Petitioner No. 1 and respondent No. 2 were married on 26.10.2013 in accordance with Muslim law, and two daughters were born out of the said wedlock. Owing to matrimonial discord and temperamental differences, disputes arose between the parties, as a result of which they have been living separately since August 2021.

6. The impugned FIR has been registered at the instance of respondent No. 2, who was, at the relevant time, the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, petitioner Nos. 4 and 6 are his brothers, and petitioner No. 5 is his sister-in-law, all of whom have been arrayed as accused in the present case.

7. Upon completion of investigation, a chargesheet was subsequently filed against the petitioners in respect of the aforesaid FIR.

8. During the pendency of the proceedings, the parties entered into a settlement, duly recorded in a Settlement Deed dated 03.10.2024 under the aegis of the Delhi Mediation Centre, Rohini District Courts. In terms of the said Settlement Deed, it was agreed that the parties shall dissolve their marriage by way of *Talaq-e-Khula/Mubarat* in accordance with Muslim Law. It was further agreed that petitioner No. 1 shall pay a total sum of Rs. 3,00,000/- to respondent No. 2 towards full and final settlement of all her claims, including istridhan and maintenance (past, present, and future), in three instalments of Rs. 1,00,000/- each at agreed stages. It is noted that the final instalment of Rs. 1,00,000/- has been



handed over in Court by petitioner No. 1 to respondent No. 2 by way of a demand draft.

9. The parties further agreed that the custody of the minor children shall be handed over to petitioner No. 1 at the time of quashing of the FIR. However, by order dated 17.04.2026, this Court recorded the submission of learned counsel for respondent No. 2 that, although the Settlement Agreement dated 03.10.2024 provides for the custody of the minor children to remain with petitioner No. 1, respondent No. 2 seeks appropriate visitation rights.

10. Pursuant thereto, the parties have entered into a Supplementary Mutual Agreement dated 27.04.2026, a copy whereof has been handed up in Court and is taken on record. In terms of the said agreement, it has been agreed that respondent No. 2 shall meet the minor children at 11:00 AM on the first Saturday of every month at the Child Meeting Room, Rohini Courts, Delhi. It has been further agreed that, in the event of any difficulty, the parties may mutually decide upon an alternative day for such visitation.

11. Learned counsel for the parties submit and confirm that the settlement has been arrived at voluntarily, and without any coercion, undue influence, or pressure. The parties have also filed their respective affidavits affirming the terms of the settlement.

12. Pursuant to the settlement, the marriage between the parties has been dissolved by way of a decree of divorce by mutual consent, *vide* order dated 13.11.2024 passed by the learned Family Court.

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



14. It is well settled that, notwithstanding the non-compoundable nature of an offence under Section 498A of the IPC, the Supreme Court has recognised that the High Courts may, in appropriate cases, exercise their inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings on the basis of a settlement between the parties, particularly where such quashing would not impinge upon any overriding public interest.

15. 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

¹ (2012) 10 SCC 303.



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.

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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

16. In the present case, the proceedings emanate from a matrimonial relationship which has already been dissolved by way of a decree of divorce. Applying the principles laid down by the Supreme Court, it is evident that respondent No. 2 has unequivocally affirmed before this Court that the settlement has been entered into voluntarily and without any coercion or undue influence. In such circumstances, where the dispute is essentially personal in nature and stands fully resolved, the likelihood of the proceedings culminating in a conviction is remote. The continuation of the criminal proceedings would, therefore, serve no meaningful purpose and would amount to a mere formality, resulting in the unnecessary expenditure of judicial time and public resources.

17. It is further noted that the settlement contemplates payment of a total sum of Rs. 3,00,000/- to respondent No. 2 towards full and final settlement of all her claims, which amount has been duly received by her. In view of the complete satisfaction of the settlement terms, no legal



impediment remains to the grant of the reliefs sought in the present petition.

18. In view of the foregoing, the present petition is allowed, and FIR No. 133/2022 dated 10.03.2022, registered at Police Station Narela, Delhi, for offences punishable under Sections 498A, 406, and 34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

20. The petition, alongwith any pending application, accordingly stands disposed of.

21. It is, however, clarified that the settlement arrived at between the parties, as well as the present order, shall not, in any manner, prejudice or affect the rights and interests of the minor children, whose custody continues to remain with petitioner No. 1.

PRATEEK JALAN, J

APRIL 28, 2026

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⁴ Emphasis supplied.