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

+ CRL.M.C. 9129/2025 & CRL.M.A. 38184/2025

MOHAMMAD ASLAM & ORS.Petitioners

Through: Mr. Kamran Malik, Advocate.

versus

STATE NCT OF DELHI & ORS.Respondents

Through: Mr. Hitesh Vali, APP with SI
Pardeep Malik, P.S. Jamia Nagar.
Mr. Mohammad Saquib, Advocate
for R3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **16.02.2026**

CRL.M.A. 5197/2026 (for bringing additional document on record)

By way of the present application, the petitioners seek to place on record a Deed of Divorce/*Talaknama* dated 10.02.2026.

For the reasons stated, the application is allowed, and the document is taken on record.

The application is disposed of.

CRL.M.C. 9129/2025

1. The petition is taken up for hearing with the consent of learned counsel for the parties.
2. The petitioners have preferred 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. 168/2024 dated 01.05.2024,



registered at Police Station Jamia Nagar, District South-East, New Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 [“IPC”], alongwith all consequential proceedings arising therefrom, on the ground of settlement.

3. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Mohammad Saquib, learned counsel, accepts notice on behalf of respondent No. 3 – complainant.

4. The marriage between petitioner No. 1 and respondent No. 3 was solemnised on 09.01.2020. Differences arose between the parties during the course of the marriage, resulting in their living separately from 2021.

5. Subsequently, respondent No. 3 lodged a formal complaint before the Crime against Women Cell against her husband and his family members [petitioners herein], on the basis of which the impugned FIR was registered on 01.05.2024.

6. Upon completion of investigation, chargesheet was filed under Sections 498A/406/323/506/34 of the IPC, read with Sections 3/4 of the Dowry Prohibition Act, 1961 [“DP Act”], and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

7. Petitioner No. 1 and respondent No. 3 have since amicably settled their disputes, as recorded in a Memorandum of Understanding dated 28.11.2025. During the pendency of the present petition, they also entered into a Deed of Divorce/*Talaknama* dated 10.02.2026.

8. In light of the foregoing, the parties seek quashing of the impugned FIR, and all consequential proceedings arising therefrom.

9. Petitioner Nos. 1 and 4 are present in person; petitioner Nos. 2, 3,



10. Pursuant to the settlement, the marriage between petitioner No. 1 and respondent No. 3 has been dissolved in accordance with their personal law. They have settled their disputes in full, as recorded in the Deed of Divorce/*Talaknama* dated 10.02.2026, as follows:

(d) That Second Party has also agreed to adjust Mehar Rs. 3 Lakh in to the consideration amount of the Flat of Rs.15 Lakh as mentioned in Paras 4 and 5.”



11. Respondent No. 3, who is present in person and represented by counsel, affirms that the settlement has been entered into voluntarily, without any coercion, undue influence, or misrepresentation, and that she has no objection to the quashing of the impugned FIR. She also confirms that the terms of the settlement have been duly implemented, and that she has been given possession of the flat in question.

12. Although offences under Section 498A of the IPC, and Sections 3/4 of the DP Act, are ordinarily non-compoundable, the Supreme Court has consistently held that, in appropriate circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], may quash criminal proceedings even in respect of non-compoundable offences where a mutual compromise has been amicably arrived at between the parties, particularly when such quashing does not impinge upon any overriding public interest.

13. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], 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 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.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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 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.”

[Emphasis supplied.]

14. In the present case, the proceedings between the parties arise out of a matrimonial relationship, which has already culminated in a divorce. Applying the tests laid down by the Supreme Court, it may be observed that respondent No. 3 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.

15. The parties have confirmed that the terms of settlement have already been implemented. There is, therefore, no impediment to grant of the relief sought.

16. In view of the above discussion, the present petition is allowed, and FIR No. 168/2024 dated 01.05.2024, registered at Police Station Jamia Nagar, District South-East, New Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is



hereby quashed.

17. The petition, alongwith pending application, stands disposed of.

18. The next date of hearing, i.e. 30.03.2026, stands cancelled.

PRATEEK JALAN, J

FEBRUARY 16, 2026

'pv/KA'/'