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

+ CRL.M.C. 9140/2025 & CRL.M.A. 38225/2025

AJAY & ANR.

.....Petitioners

Through: Mr. Prem Prakash Mann, Adv.

versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Ms. Manjeet Arya, APP. SI
Ankush, PS-Alipur.

Mr. Basant Kr. Gautam, Mr.
Pawan Deep Gautam, Advocates
for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.04.2026

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. 498/2018 dated 31.12.2018, registered at Police Station Alipur (Rohini), Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"], along with 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. Basant Kr. Gautam, learned counsel, accepts notice on behalf of respondent No. 2.
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 person and has been 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 28.05.2011. Owing to matrimonial discord and temperamental differences between the parties, they have been living separately. One son was born out of the wedlock on 30.05.2012.

6. The impugned FIR was registered pursuant to a formal complaint lodged before the Crime Against Women Cell at the instance of respondent No. 2, who was, at the relevant time, the wife of petitioner No. 1. Petitioner No. 2 is the mother of petitioner No. 1. The father of petitioner No. 1 was also arrayed as an accused in the FIR; however, it is informed that he passed away on 04.11.2025, and accordingly, the proceedings against him stand abated.

7. A chargesheet has also been filed in the present proceedings, pursuant to which charges for offences punishable under Sections 506 and 323 of the IPC, as well as Section 4 of the Dowry Prohibition Act, 1961, have been added.

8. The parties have thereafter entered into a settlement, recorded in a Settlement Deed dated 14.01.2025, whereby it has been agreed that petitioner No. 1 shall pay a total sum of Rs. 1,50,000/- to respondent No. 2 towards full and final settlement of all claims, including stridhan, dowry, and maintenance (past, present, and future), in three instalments, namely Rs. 1,00,000/- at the time of recording of the first motion, Rs.



25,000/- at the time of the second motion, and the remaining Rs. 25,000/- at the time of quashing of the said FIR. It is further stated that the entire settled amount has been received by respondent No. 2.

9. Insofar as the custody of the minor child is concerned, it has been agreed that the custody shall remain with petitioner No. 1, with specified visitation rights granted to respondent No. 2.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily, without any coercion, undue influence, or pressure.

11. Pursuant to the settlement, the marriage between the parties stands dissolved by a decree of divorce by mutual consent dated 05.05.2025 passed in HMA No. 638/2025.

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

13. The Supreme Court has consistently held that, in appropriate cases, the High Courts may, in exercise of their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), quash criminal proceedings, including in respect of non-compoundable offences, on the basis of a settlement between the accused and the complainant, particularly where no larger public interest is adversely affected.

14. 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***

¹ (2012) 10 SCC 303.



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.”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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

⁴ Emphasis supplied.



15. In the present case, the proceedings arise out of a matrimonial relationship which already stands concluded by 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 arrived at voluntarily. In these circumstances, the prospect of conviction appears remote, and continuation of the criminal proceedings would serve no meaningful purpose, amounting to a mere formality while unnecessarily burdening the justice system and expending public resources.

16. The settlement contemplates payment of a sum of Rs. 1,50,000/- to respondent No. 2, and it has been affirmed by respondent No. 2 that she has received the entire amount. There is, therefore, no impediment to the grant of the relief sought.

17. In view of the foregoing, the petition is allowed, and FIR No. 498/2018 dated 31.12.2018, registered at Police Station Alipur (Rohini), Delhi, under Sections 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

19. The petition accordingly stands disposed of.

20. It is, however, made clear that the settlement as well as the present order shall not, in any manner, affect the rights of the minor child, whose custody shall continue to remain with petitioner No. 1.

PRATEEK JALAN, J

APRIL 10, 2026

'Bhupi'/SD/