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

+ **CRL.M.C. 9264/2025 & CRL.M.A. 38654/2025**

RAHUL BATRA

.....Petitioner

Through: **Mr. Varun Bhardwaj, Advocate.**

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: **Ms. Manjeet Arya, APP.**

Mr. Manish Jha, Advocate with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.01.2026

CRL.M.A. 719/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 9264/2025

1. The petitioner has 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. 328/2023 dated 28.05.2023, lodged at Police Station Krishna Nagar, Delhi, under Sections 354/354-A/506 of the Indian Penal Code, 1860 ["IPC"] and all proceedings emanating therefrom, on the ground of settlement.

2. The present FIR was registered at the instance of respondent No.2 against her sister-in-law's husband, i.e., the petitioner herein. Both parties



are present in Court and are identified by their counsel and by the Investigating Officer.

3. The brother-in-law of the petitioner and respondent No. 2 were married on 15.11.2021, but have lived separately since 31.03.2023. The divorce proceedings have already concluded in a decree of divorce.

4. Another FIR No. 821/2023 dated 06.10.2023, registered at P.S. Sarai Rohilla at the instance of respondent No.2 against her husband and his family members against Sections 498A, 406 and 34 of the IPC, has already been quashed by a judgment of this Court dated 24.12.2025 in CRL.M.C.9306/2025 [*Ujwal Chadha & Ors. v. State Govt. of NCT of Delhi & Anr.*], on the basis of a settlement entered into between the parties on 08.09.2025.

5. In light of the aforesaid, the parties in the present petition seek quashing of the impugned FIR.

6. Mr. Manish Jha, learned counsel for respondent No.2, submits that the FIR was registered on a misunderstanding and respondent No.2 does not wish to proceed with the criminal proceedings. Upon settlement of the disputes between the respondent No.2 and her husband, she wishes to proceed with her life harmoniously and does not wish to have any impediment in the future progress of her personal and professional life. She, therefore, seeks quashing of the present FIR.

7. Mr. Varun Bhardwaj, learned counsel for the petitioner, also confirms that this order will result in an end to the disputes, and no further proceedings will be taken between the parties in this regard.

8. Although the offences under Sections 354 and 354A of IPC are non-compoundable, the Supreme Court has clearly held that, in certain



circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

9. 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 on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal

¹ (2012) 10 SCC 303.



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 have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

10. In the present case, the proceedings between the parties arise out of a family dispute stemming from the matrimonial relationship between Respondent No. 2 and her husband, which has already culminated in a decree of divorce. It is also relevant to note that the other FIR registered at the instance of Respondent No. 2, being FIR No. 821/2023, arising out of the same matrimonial discord, has already been quashed by this Court on the basis of settlement. Applying the tests laid down by the Supreme Court, it may be observed that respondent No. 2 has 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.

11. Having regard to the above discussion, the petition is allowed, and proceedings arising out of FIR No. 328/2023 registered at Police Station Krishna Nagar, under Section 354/354(A)/506 of the IPC are hereby



quashed.

12. The petition is therefore disposed of in terms of the above.

PRATEEK JALAN, J

JANUARY 13, 2026

SS/JM/

⁴ Emphasis supplied.