



\$~52

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

+ **CRL.M.C. 91/2026**

GAJINDER SINGH JAMWAL

.....Petitioner

Through: Mr. Karn Bhardwaj and Mr. Rajat Gaba, Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Wali, APP with SI Ekta.

Dr. Rita Sanghvi and Mr. Digvijay, Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.01.2026**

CRL.M.A. 325/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 91/2026

1. Issue notice. Mr. Hitesh Wali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Dr. Rita Sanghvi, learned counsel, accepts notice on behalf of respondent No.2.

2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), for quashing of proceedings arising out of FIR No. 0005/2025 dated



02.01.2025 registered at P.S. Sector 23 Dwarka under Section 498-A of the Indian Penal Code, 1860 [“IPC”]. The quashing of the FIR is sought on the ground that the petitioner–accused has settled the matter with Respondent No. 2, the complainant, who is the wife of the petitioner’s stepson, Mr. Ravinder Singh Jamwal, to whom she was married in the year 2007.

3. In the subject FIR, the petitioner is the only accused. However, there were several litigations between the parties, including proceedings under the Domestic Violence Act, 2005 (being Case No. MC/585/2023), two civil suits, and proceedings under the Companies Act, 2013. All these proceedings have been settled by way of a comprehensive Settlement Agreement dated 20.09.2025 executed at *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi–110503. The Settlement Agreement, *inter alia*, contemplates the quashing of the present FIR.

4. The petitioner and Respondent No. 2 are present in Court and have been identified by the Investigating Officer as well as their respective counsel. They confirm the terms of the settlement and state that they have entered into the settlement voluntarily, without any pressure or coercion from any party.

5. Although the offence under Section 498A of IPC is 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.

6. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*¹ has held as follows:

*“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, **however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.***

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”²

7. 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

8. Having regard to the fact that the criminal proceedings emanate out of domestic relationship between the petitioner and respondent No.2, there is no legal impediment to accepting the request of the parties. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the

⁴ Emphasis supplied.



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.

9. The Settlement Agreement also contemplates various property-related obligations of the parties. I am informed that all such obligations have been carried out, except the obligation of Respondent No. 2 to vacate the property at F-201, Dwarkadham Apartments, Mahajan Shri CGHS Ltd., Plot No. 13, Sector-23, Dwarka, New Delhi-110075.

10. A monetary settlement of Rs. 90,00,000/- was also agreed upon between the parties, of which Rs. 10,00,000/- was to be paid by the petitioner to Mr. Ravinder Singh Jamwal at the time of quashing of the subject FIR. A Demand Draft in the sum of Rs. 10,00,000/- has been handed over to Dr. Sanghvi, and Respondent No. 2 has accepted the Demand Draft in Court.

11. The petition is therefore allowed, and proceedings emanating out of FIR No. 0005/2025 are hereby quashed.

12. The petition stands disposed of in these terms.

PRATEEK JALAN, J

JANUARY 7, 2026
SS/JM/