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

+ CRL.M.C. 363/2026 & CRL.M.A. 1367-1368/2026

NEHA MAHAJAN

.....Petitioner

Through: Mr. Rakesh Gaur, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP with SI
Sanjay, PS: Sarojini Nagar.

Appearance for respondent No.2
not given.

R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.01.2026

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] [corresponding to Section 482 of the Code of Criminal Procedure, 1973], the petitioner seeks quashing of FIR No.336/2020, dated 26.10.2020, registered at Police Station Sarojini Nagar, New Delhi, under Section 66C of the Information Technology Act, 2000 ["IT Act"], and Section 509 of the Indian Penal Code, 1860 ["IPC"].
2. It is stated that the petitioner and the complainant [respondent No.2 herein] have settled their disputes.
3. Issue notice. Ms. Priyanka Dalal, learned Additional Public Prosecutor, accepts notice on behalf of the State. Learned counsel, accepts notice, on behalf of respondent No. 2.
4. The petition is taken up for hearing with the consent of learned



counsel for the parties.

5. The subject FIR was registered on 26.10.2020 against an unknown person, on a complaint by respondent No. 2, that a fake profile in her name had been created on a dating website, namely Tinder. After investigation, a chargesheet was filed in which the petitioner herein, who was married to the complainant's brother, was accused of the offence under Section 66C of the IT Act and Section 509 of the IPC.

6. The petitioner and respondent No.2 have signed a settlement agreement dated 12.08.2025, in which they have agreed to quashing of the impugned FIR.

7. The petitioner and respondent No.2 are present in Court, and are identified by their respective counsel and by the Investigating Officer.

8. It appears that there was also a matrimonial dispute between the petitioner and her husband [brother of the complainant] which have since been settled, in terms of an agreement dated 04.07.2020, and all cases pending between the parties have either been withdrawn or quashed. Learned counsel for the parties submit that the matrimonial disputes between the petitioner and her husband have since also resulted in a decree of divorce.

9. Learned counsel for respondent No.2 submits that the FIR was lodged against an unknown person, and the complainant does not wish to proceed in criminal proceedings against her former sister-in-law, with whom her brother has settled his matrimonial disputes.

10. 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.

11. 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 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.



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 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

³ (2014) 6 SCC 466.



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

12. In view of the aforesaid facts, and the desire of the parties to avoid further animosity, I am of the view that this is a fit case for the exercise of jurisdiction under Section 528 of BNSS, as the continuance of proceedings would amount to an abuse of the process of law and impede the ends of justice. It is apparent that the allegation of identity theft was based upon a misunderstanding, and that no public element is involved in the present dispute, which is essentially private in nature.

13. Learned counsel for the parties submit that the parties will also remain bound by the terms of settlement, including with regard to withdrawal of a contempt petition, filed by the present petitioner against the complainant.

14. The petition is allowed, and proceedings arising out of FIR No.336/2020, dated 26.10.2020, registered at Police Station Sarojini Nagar, New Delhi, under Sections 66C of the IT Act and 509 of IPC, are quashed.

15. The petition, alongwith pending applications, stands disposed of.

PRATEEK JALAN, J

JANUARY 15, 2026/SS/AD/

⁴ Emphasis supplied.