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

+ **CRL.M.C. 628/2026**

PAPPU CHAUHAN

.....Petitioner

Through: Mr. Dileep Kumar Mishra,
Advocate.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State.
SI Vijay Kumar, PS-Dwarka
North.
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

CRL.M.C. 628/2026

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. 121/2017 dated 07.05.2017, registered at Police Station Dwarka North, District South West, 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. Notice is accepted by Ms. Manjeet Arya, learned Additional Public Prosecutor, on behalf of the State.
3. Pursuant to an order dated 23.01.2026, Mr. Dileep Kumar, learned counsel for the petitioner hands over an application for placing the



amended memo of parties on record. The same is taken on record and the three co-accused, being the brother, mother, and sister-in-law of the petitioner, are impleaded as petitioners No. 2 to 4. The said application [CRL.M.A.____/2026] is accordingly allowed and disposed of, with a direction to the Registry to number the application.

4. Petitioner and respondent No. 2 were married on 16.04.2016 according to Hindu rites and ceremonies. Differences arose in the course of marriage, and they started residing separately since 25.01.2016. No child was born from the said wedlock.

5. Respondent No.2 instituted proceedings before the Crime against Women Cell, on the basis of which the present FIR was registered on 07.05.2017. Upon completion of investigation, chargesheet was filed on 05.11.2018 against the petitioner, his mother, brother, and sister-in-law. The case [Cr. Case 29637/2018] is pending before the Court of Chief Metropolitan Magistrate, South-West District, Dwarka Courts, and is listed next on 08.04.2026 for miscellaneous appearance.

6. Respondent No. 2 had filed a petition [No. 545/2018] under Section 125 of CrPC, before the Court of Principal Judge, Family Courts, Dwarka, Delhi, and the parties were referred to the Counselling Cell, pursuant to which the parties entered into a settlement on 13.07.2018. As per the said settlement, the parties agreed to dissolve their marriage by mutual consent, and the husband agreed to pay a total sum of Rs. 2,50,000/- towards full and final settlement of all claims, including stridhan, dowry articles, and maintenance, alongwith withdrawal/quashing of all pending litigations.

7. Pursuant to the settlement, the marriage has been dissolved by a



decree of divorce by mutual consent by the Principal Judge, Family Courts, South West District, Delhi, on 24.09.2019 [in HMA No. 1670/2019].

8. Although affidavits of the three co-accused have not been filed, respondent No. 2 is present in person and confirms that she has entered into a settlement with her ex-husband (petitioner No. 1), whose affidavit is already on record and who is present in Court. The remaining petitioners have joined via video conference and have been identified by their counsel and the Investigating Officer [“IO”]. Respondent No. 2, also identified by the IO, has declined legal assistance and states that she has no objection to quashing of the FIR against all petitioners in terms of the settlement.

9. In light of the aforesaid, parties seek quashing of the impugned FIR and consequential proceedings emanating therefrom.

10. 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.

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

¹(2012) 10 SCC 303.



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

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

²Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

12. In the present case, the dispute between the parties emanates from a matrimonial relationship, which has since been dissolved by a decree of divorce. Applying the principles laid down by the Supreme Court, it is

⁴Emphasis supplied.



evident that respondent No. 2 has unequivocally affirmed before this Court that the settlement was entered into voluntarily and without any coercion. In such circumstances, the likelihood of conviction is remote, and continuation of the criminal proceedings would serve no useful purpose, amounting merely to a futile exercise that would unnecessarily burden the judicial system and waste public resources.

13. The settlement contemplates payment of a sum of Rs.2,50,000/- to respondent No. 2. Respondent No. 2 states that the entire payment has been made. There is therefore no impediment to the grant of the relief sought.

14. Having regard to the above discussion, the petition is allowed, and proceedings arising out of FIR No. 121/2017 dated 07.05.2017, registered at Police Station Dwarka North, District South West, Delhi, under Sections 498A/406/34 of the IPC, are hereby quashed.

15. The parties will remain bound by the terms of the settlement.

16. The petition, alongwith the pending application, is accordingly disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026

'Bhupi/JM'