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

+ CRL.M.C. 1342/2026, CRL.M.A. 5367/2026, CRL.M.A.
5412/2026

SH SURESH AND ORS

.....Petitioners

Through: Ms. Yamini Sharma & Mr.
Ghanendra Singh, Advocates
alongwith Petitioners in Person.

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Ms. Manjeet Arya, APP for State.
SI Rohit, PS Uttam Nagar.
Ms. Meghna Wadera, Advocate for
R-2 alongwith R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.04.2026**

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. 648/2021 dated 16.08.2021, registered at Police Station Uttam Nagar, Dwarka, Delhi, under Sections 498A and 406 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings arising therefrom, on the ground that the parties have arrived at a settlement.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public



Prosecutor, accepts notice on behalf of the State. Ms. Meghna Wadera, learned counsel, accepts notice on behalf of respondent No.2.

3. The petitioners are present in Court and have been duly identified by their learned counsel as well as by the Investigating Officer. Respondent No. 2 is also present in Court and has been identified by the Investigating Officer.

4. The present petition is taken up for disposal with the consent of the parties.

5. The petitioner and respondent No. 2 were married on 13.02.2011 according to Hindu rites and rituals. Three children were born from the wedlock on 09.12.2018, 08.12.2013, and 23.10.2012. Owing to matrimonial discord and temperamental differences between the parties, they have been living separately since June 2018.

6. The impugned FIR was registered pursuant to a formal complaint filed by respondent No. 2 before the Crime Against Women Cell, she being the wife of petitioner No. 1. Petitioner Nos. 2 and 3 are the parents of petitioner No. 1, while petitioner Nos. 5 to 9 are his siblings. It is further informed that petitioner No. 4, also a brother of petitioner No. 1, has since passed away on 06.04.2024, and consequently, the proceedings against him stand abated. A copy of the death certificate in this regard has been annexed with the present petition.

7. It is stated that the chargesheet in the present matter was filed on 22.03.2023, pursuant to which charges under Sections 354A and 34 of the IPC, have been added against respondent Nos. 5 to 9. It is further informed that the allegations under Section 354A arise out of matrimonial discord between the parties in the wake of ongoing matrimonial disputes.



8. During the pendency of the proceedings, the parties have amicably settled their disputes and entered into a settlement recorded in a Settlement Agreement dated 09.10.2024, executed before the Delhi Mediation Centre, Dwarka Courts, Delhi. The settlement contemplates reconciliation between the parties with effect from 09.10.2024, and they have since resumed cohabitation as husband and wife alongwith their children.

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

10. Further, it may be noted that order dated 17.02.2026 records as follows:

“3. Ms. Manjit Arya, learned Additional Public Prosecutor for the State, points out that the chargesheet filed by the prosecution also relates to two other victims, who are the brother and sister-in-law of respondent No. 2. They have not been made parties to the present petition.

4. Ms. Yamini Sharma, learned counsel for the petitioners, seeks an opportunity to file affidavits of no objection on behalf of the said victims also.”

Pursuant thereto, affidavits of no objection dated 25.02.2026 of the aforesaid victims have been placed on record affirming the factum of settlement.

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

12. The Supreme Court has consistently held that, in appropriate cases, the High Courts may, in exercise of their powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), quash criminal proceedings,



including in respect of non-compoundable offences, where the parties have amicably settled their disputes, particularly when such settlement does not affect any overriding public interest.

13. 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

14. In the present case, the dispute arises out of a matrimonial relationship which has since been amicably resolved. Petitioner No. 1 and respondent No. 2 have reconciled and have been residing together for over one and a half years. It is further submitted that the allegation under Section 354A of IPC arose out of a misunderstanding, as clarified and confirmed by respondent No. 2. In such circumstances, the continuation of the criminal proceedings would be detrimental to their marital harmony.

15. Applying the principles laid down by the Supreme Court, respondent No. 2 has unequivocally stated before this Court that the settlement was arrived at voluntarily and without any coercion or undue influence. In view of the aforesaid circumstances, the continuation of the criminal proceedings is unlikely to result in a conviction and would merely amount to an empty formality, thereby unnecessarily burdening the justice system and consuming valuable judicial time without serving any meaningful purpose.

16. In view of the foregoing, the petition is allowed and FIR No. 648/2021 dated 16.08.2021, registered at Police Station Uttam Nagar, Dwarka, Delhi, under Sections 498A and 406 of IPC, alongwith all



consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition, alongwith the pending applications, accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 9, 2026

'pv'/SD/

⁴ Emphasis supplied.