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

+ **CRL.M.C. 2033/2026**

RAKESH KUMAR & ORS.

.....Petitioner

Through: Mr. Yogesh Rana, Advocate for P-1 to 5.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
SI Naresh Kumar, PS Punjabi Bagh.

Ms. Sakshi Mishra, Advocate for R-2 alongwith R-2 in Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.03.2026**

CRL.M.A. 8375/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.A. 8376/2026 (condonation of delay)

The present application seeks condonation of delay of 58 days in re-filing of the captioned petition.

For the reasons stated in the application, the same is allowed, and the delay stands condoned.

The application stands disposed of.

CRL.M.C. 2033/2026

1. 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”)], seeking quashing of FIR No. 938/2023 dated 29.12.2023, registered at Police Station Punjabi Bagh under Sections 498A/406/34 of the Indian Penal Code, 1860 [“IPC”], alongwith all consequential proceedings arising therefrom, on the basis of a settlement arrived at between the parties.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Sakshi Mishra, learned counsel, accepts notice on behalf of respondent No.2.

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

4. With the consent of learned counsel for the petitioners and respondent No. 2, who is present in person, the petition is taken up for final disposal.

5. The impugned FIR was registered at the instance of respondent No. 2, who is the wife of petitioner No. 1, while petitioner No. 2 is the mother of petitioner No. 1. Petitioner No. 3 is the sister of petitioner No.1, and petitioner Nos. 4 and 5 are other family members of petitioner No.1.

6. The marriage between petitioner No. 1 and respondent No. 2 was solemnized on 06.12.2017 in accordance with Hindu rites and ceremonies, and no child was born from the said wedlock.

7. Respondent No. 2 lodged the FIR against the petitioners on 29.12.2023, and a chargesheet has since been filed in the matter.

8. Thereafter, the parties amicably resolved their matrimonial disputes by way of a Settlement Deed dated 12.12.2025, pursuant to which they



have reconciled and have been residing together for over a year. Respondent No. 2, who is personally present before this Court, states that she has fully reconciled with petitioner No. 1 and that no disputes or grievances now subsist between them. Ms. Arya has also interacted with respondent No. 2, who has affirmed this position.

9. Learned counsel for the parties submit that the settlement was arrived at voluntarily, without any coercion, undue influence, or pressure from any side. In view of the above, the parties jointly seek for quashing of the impugned FIR.

10. The Supreme Court has clearly held that, in appropriate cases, High Courts may exercise their inherent powers under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) to quash criminal proceedings, including those relating to non-compoundable offences, where a compromise has been reached between the accused and the complainant, particularly when such quashing does not adversely affect any overarching public interest.

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

¹ (2012) 10 SCC 303.



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 to follow when considering settlement deeds between parties and quashing criminal proceedings. The relevant observations in the said judgment are as follows:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 stems from a matrimonial relationship that has since been amicably resolved. Petitioner No. 1 and respondent No. 2 have reconciled and are living together, and in such circumstances, the continuation of the criminal proceedings would be

⁴ Emphasis supplied.



prejudicial to their marital harmony.

13. In line with the principles laid down by the Supreme Court, respondent No. 2 has unequivocally stated before this Court that the settlement was entered into voluntarily, without any coercion or undue influence. In these circumstances, the continuation of the criminal proceedings is unlikely to lead to a conviction and would merely serve as a procedural formality, thereby imposing an unnecessary burden on the justice system and diverting valuable judicial resources without serving any meaningful purpose.

14. Having regard to the above discussion, the petition is allowed, and FIR No. 938/2023 dated 29.12.2023, registered at Police Station Punjabi Bagh, under Section 498A/406/34 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

16. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 19, 2026

'pv'/SD/